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COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2011

VOLUME III—SOUTH AND CENTRAL ASIA, WESTERN HEMISPHERE

R E P O R T

SUBMITTED TO THE

COMMITTEE ON FOREIGN RELATIONS
US SENATE

AND THE

COMMITTEE ON FOREIGN AFFAIRS
US HOUSE OF REPRESENTATIVES

BY THE

DEPARTMENT OF STATE

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

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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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.

SOUTH AND CENTRAL ASIA

AFGHANISTAN

EXECUTIVE SUMMARY

Afghanistan is an Islamic republic with a strong, directly elected presidency, a bicameral legislative branch, and a judicial branch. Widespread fraud and irregularities marred the September 2010 parliamentary elections, with observers concerned that the transparency of the electoral process would be undermined by President Hamid Karzai's 2010 appointment of a special tribunal, not envisioned in the constitution, to adjudicate the disputed election results. In 2009 citizens voted in their second presidential election. The constitutionally mandated Independent Elections Commission (IEC) declared Karzai president for a second term, after his challenger withdrew from a run-off election. Allegations of fraud also marred those elections. Civilian authorities generally maintained control over the security forces, although there were instances in which security forces acted independently.

The most significant human rights problems were: a) the continued dispute over President Karzai's appointed tribunal, which was not settled until August, when the president recognized that the sole authority to adjudicate election results lay with the IEC; b) widespread violence, including armed insurgent groups' killings of persons affiliated with the government and indiscriminate attacks on civilians, and credible reports of torture and abuse of detainees by security forces; c) pervasive corruption; and d) endemic violence and societal discrimination against women and girls, despite considerable improvements in women's health and maternal mortality.

Other human rights problems included extrajudicial killings by security forces—for example, the Afghan National Police (ANP) in Kandahar was implicated in several cases of torture and extrajudicial killings; poor prison conditions; ineffective government investigations of abuses and torture by local security forces; arbitrary arrest and detention; prolonged pretrial detention; judicial corruption and ineffectiveness; violations of privacy rights; restrictions on freedom of speech and of the press; some limits on freedom of assembly; restrictions on freedom of religion; limits on freedom of movement; abuse of children, including sexual abuse; discrimination and abuses against ethnic minorities; trafficking in persons; societal discrimination based on race, religion, gender, and sexual orientation; abuse of worker rights; compulsory and bonded labor; and child labor, including forced child labor.

Widespread official impunity for those who committed human rights abuses was a serious problem. The government was either unwilling or unable to prosecute abuses by officials consistently and effectively.

The Taliban and other insurgents continued to kill record numbers of civilians, using improvised explosive devices, car bombs, and suicide attacks. The Taliban increasingly used children as suicide bombers. Antigovernment elements also threatened, robbed, and attacked villagers, foreigners, civil servants, and medical and nongovernmental organization (NGO) workers.

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

a. Arbitrary or Unlawful Deprivation of Life—There were credible reports that the government or its agents committed arbitrary or unlawful killings. Police beatings resulted in at least one death in custody in Kabul in March, and the United Nations Assistance Mission in Afghanistan (UNAMA) documented one death from torture in ANP and National Directorate of Security (NDS) custody in Kandahar in April (see section 1.c.). Media sources reported that police in Kandahar in the 3rd Afghan Border Police (ABP) Zone headquartered in Spin Boldak were involved in extrajudicial killings and torture.

There were numerous reports that the Taliban and other insurgent groups committed politically motivated killings. UNAMA reported 495 targeted killings of civilians by antigovernment elements (AGEs) during the year, a slight increase over 2010 (see also section 1.g.).

The Taliban committed a string of high-profile, targeted killings of regional police commanders, provincial police chiefs, and other officials. For example, the Taliban claimed responsibility for the June beheading of the chair of the Provincial Council of Bamyan and for the suicide bomber who killed Kandahar city Mayor Ghulam Haider Hamidi in July.

The Taliban and other insurgents also killed numerous civilians. For example, a February 19 attack on a Jalalabad bank left 40 dead, both in the attack and through the use of bombs (see section 1.g.). Taliban and insurgent attacks escalated in both number and complexity during the year. The Taliban claimed responsibility for a highly coordinated and prolonged June 28 attack on the Intercontinental Hotel in Kabul, in which at least seven persons were killed, and for the August 19 attack on the British Council compound in Kabul where 12 more people died.

Improvised explosive devices employed by insurgents were the single largest cause of civilian deaths.

In September a suicide bomber assassinated former President and chairman of the High Peace Council (HPC) Burhanuddin Rabbani in his home. The Afghan government accused the Taliban and Pakistan's Inter-Services Intelligence (ISI) of complicity, though both the Taliban and the Government of Pakistan denied any involvement. Afghan and Pakistani authorities continued to investigate at year's end.

There were some reports of summary justice by the Taliban resulting in extrajudicial executions.

b. Disappearance—There were reports that insurgent groups and criminals were responsible for disappearances and abductions in connection with the ongoing insurgency (see section 1.g.). For example, in August eight security officials who were kidnapped were found dead in Wardak province.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment—The constitution prohibits such practices; however, there were widespread reports that government officials, security forces, detention center authorities, and police committed abuses. Nongovernmental organizations (NGOs) reported that security forces continued to use excessive force, including torturing and beating civilians. For example, in March police severely beat an 18-year-old who died while in police custody in Kabul's District 11. He had been charged with stealing cell phones and about 200,000 afghani ($4,400) from his employer.

In October UNAMA reported systematic torture of detainees at five NDS and ANP detention centers and found credible instances of torture and mistreatment at several other facilities, although UNAMA found no evidence that the torture was either institutionalized or a government policy. Extensive media reports linked ANP in Kandahar to reports of torture. One such case involved the arrest of two young boys working at a restaurant who allegedly brought food to insurgent fighters hiding outside the city. The ANP forces reportedly handcuffed the two boys, hung them from the ceiling, and beat them with a black metal baton and a cable.

The Ministry of Women's Affairs (MOWA) and NGOs reported that police raped female detainees. There were reports that security officials and those connected to the ANP raped children with impunity (see section 6, Children). NGOs reported incidents of sexual abuse and exploitation of children by the Afghan National Security Forces (ANSF), although cultural taboos against reporting such crimes made it difficult to determine the extent of the problem. In May media officials reported that the ANSF detained and sexually abused three underage male suicide bombers who had crossed the border from Pakistan before turning them over to a juvenile detention center.

There were multiple and credible reports of abuses of power by "arbakai" (untrained local militia) commanders and their followers. These included accounts of murder, rape, assault, the forcible levy of informal taxes, and the transfer of a girl or woman to another family to settle a debt or grievance ("baadh"), after which the victim often was raped or beaten. In June a group of arbakai reportedly beat the headmaster of a girl's school in Kunduz. Observers claimed the violence stemmed from an inter-village rivalry over access to government funds and the headmaster's complaint that area farmers were being forced to pay tribute to a neighboring village's arbakai.

In September Human Rights Watch (HRW) issued a report linking the Afghan Local Police (ALP) and armed militia to extensive human rights abuses. For example, in June the ALP allegedly detained two boys overnight and beat them, and also hammered nails into one boy's feet while he was in custody. International training and mentoring of ALP has sought to reduce abuse of authority such as in Helmand, for instance by revising initial ALP training procedures to promote practical application of human rights principles.

There were reports of torture and other abuses by the Taliban and other insurgent groups.

Prison and Detention Center Conditions.—Prison conditions remained poor. Most prisons and detention centers, particularly Ministry of the Interior (MOI) detention centers, were decrepit, severely overcrowded, unsanitary, and fell well short of international standards. The Afghanistan Independent Human Rights Commission (AIHRC) and other observers continued to report that inadequate food and water, poor sanitation facilities, insufficient blankets, and infectious diseases were common in the country's prisons. However, some observers have found the food and water to be sufficient throughout the Central Prison Directorate (CPD). The CPD has a nationwide program to feed prisoners, but on an extremely limited budget. Many prisoners' families supplement food and other necessary living items.

There were reports of abuse of persons in detention. In October UNAMA reported that widespread mistreatment and torture of detainees occurred in NDS and ANP detention facilities. Security forces used suspension; beatings, especially with rubber hoses, electric cables, or wires and wooden sticks, most frequently on the soles of the feet; electric shock; twisting of detainees' genitals; stress positions; removal of toenails; and threats of sexual abuse. UNAMA found evidence of systemic torture at five NDS detention facilities in Herat, Kandahar, Khost, and Laghman, and the national facility of the NDS Counter-Terrorism Department 124 (formerly Department 90) in Kabul. UNAMA documented one death in ANP and NDS custody from torture in Kandahar in April. NGOs reported cases of prison officials raping female inmates.

NDS and the MOI cooperated with coalition forces and the international community to address concerns, improve training, and review facilities. The government granted the International Security Assistance Forces access to the facilities named in the UNAMA report for the purposes of monitoring the treatment of detainees and undertook to train detention officials in human rights standards. The NDS in December created a new Human Rights Cell charged with investigating claims of detainee mistreatment. The NDS also welcomed international and NGO input on allegations of detainee abuse in order to effectively investigate such claims. The effectiveness of such NDS efforts could not be determined by year's end. Government officials in Khost invited UNAMA to provide human rights training at prison facilities and welcomed international prison monitoring visits.

There were 34 provincial prisons under MOJ/CPD control and 187 active MOI detention facilities, including 30 juvenile rehabilitation centers. The total number of active detention facilities reportedly fluctuated from month to month. Overall, the MOI lacked sufficient detention facilities. No official information was available on the number of prisoners the NDS held, or the number of facilities the NDS operated.

Authorities generally did not have the infrastructure capacity to separate pretrial and posttrial inmates. As of December the CPD reported 5,271 male pretrial detainees, 16,244 male prisoners, 121 female pretrial detainees, and 500 female prisoners. In most instances limited infrastructure hindered housing prisoners by their classification, but where it was feasible the CPD separated them. Women were not imprisoned with men. Authorities generally did not have the infrastructure capacity to house juveniles according to the nature of the charges against them.

Under the law children younger than seven may live in prison with their mothers who have been convicted of a crime. However, this practice was reduced significantly under the direction of the CPD and in conjunction with the opening of some children's support centers.

The law provides prisoners with the right to leave prison for up to 20 days for visits; however, this right was not respected in most prisons.

There was an informal grievance procedure within the CPD. The MOJ, the attorney general, and some governors monitored or assessed prison conditions, although investigations and monitoring did not fully meet international standards. The MOI, MOJ, MOD, and NDS permitted the AIHRC, UNAMA, the International Committee for the Red Cross (ICRC), and other human rights organizations to visit their detention facilities. Security constraints and obstruction by some authorities occasionally prevented visits to some places of detention. The United Nations and other human rights organizations did not have access to NDS Department 124 for monitoring of prison conditions. There was no formal prisoner complaint system in place. Although varying by prison, commanders designated certain inmates to report back to them on security and internal situations.

In government detention facilities, observers reported that prisoners were permitted religious observance.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest or detention; however, both remained serious problems. Many citizens were detained without enjoying essential procedural protections.

According to NGOs, authorities continued to arbitrarily detain citizens without clear legal authority and due process. Local law enforcement officials reportedly illegally detained persons on charges not provided for in the penal code and used their official status to resolve petty disputes.

Role of the Police and Security Apparatus.—Three ministries have responsibility both in law and in practice for providing security in the country. The ANP, under the MOI, has primary responsibility for internal order but increasingly was engaged in fighting the insurgency. The Afghan National Army (ANA), under the Ministry of Defense, is responsible for external security. The NDS has responsibility for investigating cases of national security and also functions as an intelligence agency. The investigative branch of the NDS has a facility in Kabul where it holds prisoners on a pretrial basis until their cases are handed over to prosecutors. In some areas insurgents maintained considerable power as a result of the government's failure to assert control.

Official impunity and lack of accountability were pervasive, as were abuses of power by unofficial, traditional militias. Unofficial militias reportedly beat, robbed, and killed rural dwellers with impunity. Observers believed that ALP and ANP personnel were largely unaware of their responsibilities and defendants' rights under the law. According to UNAMA, accountability of NDS and ANP officials for torture and abuse was weak, not transparent, and rarely enforced. There was limited independent, judicial, or external oversight of the NDS and ANP as institutions, and of crimes or misconduct committed by NDS and ANP officials, including torture and abuse.

International support for recruiting and training new ANP personnel continued, with the goal of professionalizing the police force, including the continuing implementation of the CPD staff prison reform and restructuring program. The international community worked with the government to develop awareness and police training programs. These programs emphasized law enforcement, the constitution, values and ethics, professional development, the prevention of domestic violence, and fundamental standards of human rights, in addition to core policing skills and internal investigation mechanisms to curb security force corruption and abuses.

Nevertheless, human rights problems persisted; observers criticized the inadequate preparation and lack of insensitivity of local security forces. Human rights institutions expressed deep concerns about the limited oversight that existed for security institutions, especially the ALP.

NGOs and human rights activists noted that societal violence, especially against women, was widespread; in many cases the police did not prevent or respond to the violence. In April a 12-year-old girl in Takhar Province allegedly was gang-raped. According to some accounts, several of the perpetrators were wearing police (ANP) uniforms. Although the AIHRC and other civil society representatives undertook a high-profile investigative visit to Takhar, authorities made no arrests.

Arrest Procedures and Treatment While in Detention.—Arbitrary Arrest.—Arbitrary arrest and detention remained problems.

Pretrial Detention.—The law provides for access to legal counsel and the use of warrants, and limits how long detainees may be held without charge. The ICRC, the AIHRC, and other observers reported that arbitrary and prolonged detention frequently occurred throughout the country. Authorities often did not inform detainees of the charges against them. Police have the right to detain a suspect for 72 hours to complete a preliminary investigation. If they decide to pursue a case, the file is transferred to the Attorney General's Office (AGO), which must interrogate the suspect within 48 hours. The investigating prosecutor can continue to detain a suspect without formal charges for 15 days from the time of arrest while continuing the investigation. With court approval the investigating prosecutor may detain a suspect for an additional 15 days. The prosecutor must file an indictment or release the suspect within 30 days of arrest. Investigation may continue even if an indictment cannot be completed within the 30 days.

In practice many detainees did not benefit from any or all of these provisions, largely due to a lack of resources. The law provides that upon request by defense counsel, the court shall release a detainee held over the 30-day period when an indictment is not filed. However, many detainees were held beyond 30 days, despite the lack of an indictment. Observers reported that prosecutors and police detained individuals on average for nine months without charging them, sometimes for actions that were not crimes under the law, in part because the judicial system was inadequate to process detainees in a timely fashion.

On August 25, President Karzai called on the Minister of Justice, the Attorney General, the head of the NDS, and the head of the Supreme Court to process cases more expeditiously and not to detain persons without cause. He also called for the release of prisoners whose terms had been completed but who were still in jail due to a lack of financial or other guarantees.

The seven government entities involved in the criminal justice sector—the MOJ, AGO, Supreme Court, MOI, NDS, MOD, and High Office of Oversight—continued to implement a standard case management system.

Arbitrary arrests were reported in most provinces. Incommunicado detention remained a problem and prompt access to a lawyer was rare. While detainees were allowed access to their families, there were many cases in which such access was not prompt. Some detainees were subjected to torture and other mistreatment, including being whipped, exposed to extreme cold, and deprived of food. UNAMA reported that police also detained individuals for moral crimes, breaches of contracts, family disputes, and to extract confessions. Observers reported that those detained for moral crimes were almost exclusively women.

There was little consistency in the length of time detainees were held before trial or arraignment. Postsentence detention also was reportedly common.

According to the MOJ, 81 children were detained on national security-related charges in juvenile rehabilitation centers during the year; all were male, six younger than age 15. The juvenile code presumes that children should not be held to the same standards as adults. The code states that the arrest of a child "should be a matter of last resort and should last for the shortest possible period." An estimated 850 children in juvenile rehabilitation centers across the country lacked access to adequate food, health care, and education. Detained children typically were denied basic rights and many aspects of due process, including the presumption of innocence, the right to be informed of charges, access to defense lawyers, and the right not to be forced to confess. The law provides for the creation of juvenile police, prosecution offices, and courts. Due to limited resources, the special juvenile courts functioned only in six areas (Kabul, Herat, Balkh, Kandahar, Jalalabad, and Kunduz). In provinces where special courts do not exist, children's cases fall under the ordinary courts. The law also mandates that children's cases be addressed in private and may involve three stages: primary, appeals, and the final stage at the Supreme Court.

Some of the children in the criminal justice system were victims rather than perpetrators of crime. Particularly in cases of sexual exploitation, perpetrators seldom were imprisoned, as cases seldom were prosecuted; some victims were perceived as shameful and in need of punishment, having brought shame on their family by reporting the abuse. Some children allegedly were imprisoned as a family proxy for the actual perpetrator.

Increasingly, the insurgency used children in suicide bombing attempts. In August President Karzai pardoned 20 children who had been arrested by the NDS while trying to carry out suicide bombings, stating that they had been deceived and oppressed by the country's enemies.

"Zina," the term for adultery and/or fornication, is a criminal act under the penal code. In practice police and legal officials often charged women with intent to commit zina to justify their arrest and incarceration for social offenses such as running away from home, defying family choice of a spouse, fleeing domestic violence or rape, or eloping. Police often detained women for zina at the request of family members.

Authorities imprisoned some women for reporting crimes perpetrated against them and some as proxies serving as substitutes for their husbands or male relatives convicted of crimes. During the year, the AIHRC received reports of men being arrested in place of a male relative when a suspect could not be located, on the assumption that the suspect would turn himself in to free the family member.

Authorities placed some women in protective custody to prevent violent retaliation by family members. Authorities also placed women who were victims of domestic violence in protective custody (including in a detention center), if there was no shelter facility available, to protect them from further abuse. Under the 2009 decree on the Elimination of Violence Against Women Act (EVAW), the police have the obligation to arrest those who abuse women. However, implementation and awareness of the EVAW law was very limited.

Authorities frequently did not rearrest defendants even after an appellate court convicted them in absentia. There was no bond system, although a rudimentary personal recognizance system was utilized in some areas where international observers monitored cases; authorities justified posttrial detention because defendants released pending appeal often disappeared.

Prosecutors did not exercise discretion in making decisions on charges.

International mentors observed that prosecutors filed indictments in cases transferred to them by the police, even where there was a reasonable belief that no crime actually was committed.

Amnesty.—The Afghanistan Peace and Reintegration Program (APRP) provided political amnesty to insurgents who met program eligibility criteria, including breaking ties with al-Qaida, renouncing violence, agreeing to abide by the constitution including its protections for women and minority groups, and formally enrolling in the program. Political amnesty is not defined. However, the program document states that the APRP "is not a framework for pardoning all crimes and providing blanket amnesty." The APRP has not yet defined what offenses are eligible for amnesty. Reintegration candidates are informed prior to enrollment that entry into the program does not amount to blanket immunity from prosecution.

There were instances in which local government officials, unaware of or knowingly ignoring APRP policy, promised amnesty to insurgents who had agreed to stop fighting but had not formally entered the APRP, such as in the case of a Taliban commander, Maulavi Isfandar, who oversaw the execution of Bibi Sanubar, a pregnant widow accused of adultery, in Badghis Province. These informally reintegrated persons were neither vetted by their community members for inclusion in the program nor informed about the APRP's position on amnesty. The government estimated that an additional 2,978 insurgents formally reintegrated during the year.

Fourteen persons met the government's conditions for reconciliation (renunciation of violence, no links to international terrorist organizations, and respect for the constitution, including the rights of women and minorities) and were removed from the U.N. Sanctions List during 2010. An additional 15 persons met the conditions for reconciliation and were removed from the U.N. Sanctions List in 2011.

The AIHRC and human rights activists continued to express concern that war criminals and human rights abusers remain in positions of power within the government.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, but in practice the judiciary was underfunded, understaffed, ineffective, and subject to political influence and pervasive corruption. Bribery, corruption, and pressure from public officials, tribal leaders, families of accused persons, and individuals associated with the insurgency threatened judicial impartiality. Most courts administered justice unevenly, according to a mixture of codified law, Sharia (Islamic law), and local custom.

The formal justice system was relatively strong in the urban centers, where the central government was strongest, and weaker in the rural areas, where approximately 80 percent of the population lived. Nationwide, fully functioning courts, police forces, and prisons were rare. The judicial system lacked the capacity to handle the large volume of new and amended legislation. A lack of qualified judicial personnel hindered the courts. Municipal and provincial authorities, including judges, had minimal training and often based their judgments on their personal understanding of Sharia, tribal codes of honor, or local custom. The majority of judges graduated from madrassahs or had Sharia training. Very few judges were graduates of a law school. Lack of access to legal codes and statutes hindered judges and prosecutors.

There were widespread shortages of judges, primarily in insecure areas. The Supreme Court reported that there were an estimated 1,651 judges at the primary, appellate, and supreme court levels, including 143 female judges at year's end.

In major cities, courts primarily decided criminal cases, as mandated by law. Civil cases often were resolved in the informal system. Because the formal legal system was often not present in rural areas, local elders and shuras (consultative gatherings, usually of men selected by the community) were the primary means of settling both criminal matters and civil disputes; they also levied unsanctioned punishments. Some estimates suggested that 80 percent of all disputes were resolved by shuras. Sometimes the shuras did not respect the constitutional rights of—and sometimes violated the rights of—women and minorities.

In areas not under government control, the Taliban enforced a parallel judicial system based on strict interpretation of Sharia.

Trial Procedures.—Trial procedures rarely met internationally accepted standards. The administration and implementation of justice varied in different areas of the country. By law all citizens are entitled to a presumption of innocence and defendants have the right to be present at trial and to appeal; however, these rights were not always applied. Trials were rarely public. Judges decided all criminal trials, since there is no right to a jury trial under the constitution. A defendant also has the right to consult with an advocate or counsel at public expense when resources allow. This right was applied inconsistently, in part due to a severe shortage

of defense counsel. Defendants frequently were not allowed to confront or question witnesses. Citizens often were unaware of their constitutional rights. Defendants and attorneys were entitled to examine the physical evidence and the documents related to their case before trial; however, observers noted that in practice court documents often were not available for review before cases went to trial, despite defense lawyers' requests. When the accused is held in custody, the primary court must hear the trial within two months. The appellate court has two months to review the case of an incarcerated person. Either side may appeal; an accused defendant who is found innocent usually remains detained in the legal system until the case moves through all three levels of the judiciary: primary, appeals, and the Supreme Court. The decision of the primary court becomes final if an appeal is not filed within 20 days. Any second appeal must be filed within 30 days, after which the case moves to the Supreme Court, which must decide the case of the defendant within five months. If the appellate deadlines are not met, the law requires that the accused be released from custody. In many cases courts did not meet these deadlines.

In cases lacking a clearly defined legal statute, or cases in which judges, prosecutors, or elders were unaware of the law, judges and informal shuras enforced customary law; this practice often resulted in outcomes that discriminated against women. This included the practice (baadh) of ordering the defendant to provide compensation in the form of a young girl to be married to a man whose family the defendant had wronged.

Political Prisoners and Detainees.—There were no reports that the government held political prisoners or detainees.

Civil Judicial Procedures and Remedies.—Citizens had limited access to justice for constitutional and human rights violations, and interpretations of religious doctrine often took precedence over human rights or constitutional rights. The state judiciary did not play a significant or effective role in adjudicating civil matters due to corruption and lack of capacity.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits arbitrary interference in matters of privacy; however, the government did not respect these prohibitions in practice, and there were no legal protections for victims.

Government officials forcibly entered homes and businesses of civilians without judicial authorization.

Authorities imprisoned men and women as substitutes for male relatives who were suspects or convicted criminals in order to induce those persons at large to surrender themselves (see section 1.d.).

The law provides for wiretapping in certain cases, which include tracking money laundering and narcotics trafficking.

The government's willingness to recognize the right to marry varied according to nationality, gender, and religion. Although more than 99 percent of the population was Muslim, the AIHRC reported that on several occasions, marriages between Sunnis and Shias were annulled as "haram," or against Islam. In Bamyan Province, the family of an ethnically Sayed female prohibited her from marrying a Hazara man, compelling her to flee to a shelter in fear for her life in May. She and her case were moved to a shelter in Kabul at year's end, despite sustained pressure from the AIHRC, the governor of Bamyan, civil society, and the international community on the family and local government to allow the couple to marry.

Insurgents frequently ordered the country's four mobile telephone operators to shut down operations in the Southwest, South, and East for hours or days at a time. In response the government ordered operators to maintain continuous services; insurgents responded by routinely destroying mobile telephone towers.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—Continuing internal conflict resulted in civilian deaths, abductions, prisoner abuse, property damage, and the displacement of residents. The security situation remained a problem during the year due to insurgent attacks. According to a 2011 report by UNAMA, civilians continued to bear the brunt of intensified armed conflict as civilian deaths increased by 8 percent during the year compared with 2010.

The large number of attacks by AGEs limited the capability of the central government to protect human rights in many districts, especially in the South. The growth in civilian casualties was due primarily to the armed opposition's indiscriminate use of land mine-like pressure plate improvised explosive devices (IEDs).

Killings.—Government and progovernment forces were responsible for civilian casualties. The UNAMA 2011 Annual Report on the Protection of Citizens in Armed Conflict stated that progovernment forces (PGFs) were responsible for 14 percent of total civilian deaths, a decrease of 4 percent compared with 2010.

Airstrikes remained responsible for the largest percentage of civilian deaths caused by PGFs. The UNAMA report stated that civilian deaths caused by aerial attacks increased 9 percent compared with 2010.

UNAMA noted that AGEs remained responsible for the largest proportion of civilian casualties, which rose 14 percent compared with 2010. Of the 2,332 conflict-related deaths in the first half of the year, 77 percent were attributable to AGEs. Responsibility for the remainder could not be determined.

During the year, antigovernment elements continued to attack progovernment religious leaders. In March authorities arrested a man and detained four accomplices in connection with the February 12 murder of a prominent mullah. A Taliban sympathizer detonated a bomb in his turban at the July 14 mosque funeral of Ahmed Wali Karzai, the president's half-brother, killing a Muslim cleric and four mourners.

In August insurgents in the northeastern province of Kunar stoned, hanged, and shot two ANA soldiers returning from leave.

The Taliban and antigovernment elements continued to engage in indiscriminate use of force, attacking and killing villagers, foreigners, and NGO workers. The Taliban and other insurgents killed numerous civilians, both in attacks and with car bombs and suicide bombs. IED attacks killed more civilians than any other tactic during the year, causing 967 deaths. Suicide attacks and IEDs together accounted for 32 percent of all civilian deaths during the year.

Insurgents targeted national and government officials, foreigners, and local NGO employees. There were accounts of insurgent violence against the civilian population. According to the United Nations Country Task Force Monitoring and Reporting on Grave Child Rights Violations, there were 13 attacks on girls' schools since April.

A February suicide attack in northern Kunduz Province killed at least 26 persons and wounded more than 30 others inside a population registration office where people had come to receive their national identity cards. Armed persons entered a local branch of Kabul Bank in Nangarhar Province on February 19. In the ensuing firefight and suicide bombing, for which the Taliban claimed responsibility, 18 persons were killed and 70 others were wounded.

June saw an all-time high in the number of security incidents in a single month, according to UNAMA, and the highest-ever number of IED attacks recorded in a one-month period. On June 9, Taliban-linked insurgents killed nine persons in an attack on a wedding party at the Nangarhar compound of a district governor. Two civilians were killed and two wounded in a suicide attack on the governor's compound in Parwan on June 21. Another suicide attack on the Kapisa governor's office killed eight persons and wounded four in mid-June.

Abductions.—The MOI's Anti-Crime Police reported over 100 abductions through year's end, as the Taliban targeted construction and mining projects, teachers, and citizens perceived to be cooperating with the international community (see section 1.b.). The actual number of cases may have been much higher.

Physical Abuse, Punishment, and Torture.—Land mines and unexploded ordnance continued to cause deaths and injuries, restricted areas available for farming, and impeded the return of refugees. The Mine Action Coordination Center for Afghanistan (MACCA) reported at year's end that land mines and unexploded ordnance killed or injured an average of 31 persons each month. In addition to these casualties from traditional antitank and antipersonnel mines, there were 18,692 civilian casualties from IEDs during the year, with the overwhelming majority of those resulting from pressure-plate devices (according to the Afghan National Counter-IED Strategy 2012). At year's end, land mines and unexploded ordnance imperiled 1,930 communities, which represent less than 2 percent of total communities. The majority of remaining mine hazard areas include a relatively low number of arbitrarily-placed mines dispersed over a large area, but nonetheless still deny full use of the land to communities. The MOE and Afghan NGOs conducted educational programs and mine awareness campaigns throughout the country.

Child Soldiers.—Officially the government, with international assistance, vetted all recruits into the armed forces and police, rejecting applicants under the age of 18. However, there were reports that children were recruited and used for military purposes by the ANSF, the ANP, and progovernment militias, and sometimes were sexually abused.

Anecdotal evidence suggested that insurgent recruitment of underage soldiers continued to rise. There were also numerous credible reports that the Taliban and other insurgent forces recruited children younger than age 18, in some cases as suicide bombers and human shields, and in other cases to assist with their work. The media, NGOs, and U.N. agencies reported that the Taliban tricked children, prom-

ised them money, or forced them to become suicide bombers. President Karzai ordered the release of 20 such incarcerated children on August 25.

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

Other Conflict-related Abuses.—The security environment had a negative effect on the ability of humanitarian organizations to operate freely in many parts of the country. Insurgents deliberately targeted government employees and aid workers.

Gunmen stormed a U.N. compound in Mazar-e-Sharif on April 1, killing three U.N. staff and four Nepalese guards.

Suspected Taliban members fired on NGO vehicles and attacked NGO offices, guest houses, and hotels frequented by NGO employees. Violence and instability hampered development, relief, and reconstruction efforts. NGOs reported that insurgents, powerful local individuals, and militia leaders demanded bribes to allow groups to bring relief supplies into the country and distribute them.

In an attack that some observers thought may have missed its mark, 25 persons, including children, pregnant women, medical workers, and an entire family of seven, were killed on June 25 in Logar Province, when a truck bomb exploded at the entrance to a maternity hospital, destroying the facility, which drew patients from isolated villages for prenatal and obstetrics care. No insurgent group claimed responsibility for the attack, which may have been intended for the district governor's office and police station next door.

The Taliban continued to distribute threatening messages in attempts to curtail government and development activities. Insurgents used civilians, including children as young as age three, as human shields, either by forcing them into the line of fire or by basing operations in civilian settings.

In the South and East, Taliban and other antigovernment elements frequently forced local residents to provide food and shelter to their fighters. The Taliban also continued to attack schools, radio stations, and government offices.

An organized attack October 31 on the U.N. High Commissioner for Refugees (UNHCR) offices in Kandahar that involved suicide bombers and gunmen resulted in the deaths of three UNHCR employees and the wounding of two other staff 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 of the press; however, the government restricted these rights.

Freedom of Speech.—Authorities used pressure, regulations, and threats to silence critics. Freedom of speech was even more constrained at the provincial level, where warlords owned many of the broadcasting stations and print media.

Freedom of the Press.—Some independent journalists and writers published magazines and newsletters, although circulation largely was confined to Kabul. Newspapers tended to reflect more openly on domestic developments in comparison to broadcasters. Satirical programming was widespread; every private television station had at least one comedy-satire program that openly criticized government officials.

Despite the obstacles they faced, media sources and observers asserted that the country's independent media continued to expand and became increasingly sophisticated. Independent media were active and reflected differing political views. An NGO offered safe houses for threatened journalists. Many Afghan journalists stated they had more freedom than their regional neighbors. Numerous international and local organizations provided regular training and mentoring for journalists; some programs ended with job offers for talented participants.

Violence and Harassment.—Threats, violence, and intimidation were used regularly to silence opposition journalists, particularly those who spoke out about impunity, war crimes, government officials, and powerful local figures.

An Afghan media development and vocational education agency reported that incidents of violence against journalists increased overall during the year; through December there were 80 incidents, compared with 60 in 2010.

A December Media Watch report entitled "Afghan Media in 2011" indicated there was a 38 percent rise in violence against media workers in 2011 compared with 2010. The report records three media worker deaths, six injuries, two detentions, 33 assaults, 15 cases of verbal abuse, and 21 incidents of threats for a total of 80 cases. Media Watch reports that State authorities were responsible for the majority of incidents, with government officials responsible for 49 incidents.

Journalists were vulnerable to physical harm and reported numerous instances of pressure from multiple sources to influence reporting, including national and provin-

cial governments. Violence against journalists continued, and a combination of government repression, armed groups, and manipulation by foreign groups and individuals prevented the media from operating freely.

Journalists operated in a dangerous environment; even if not targeted, some were victims of indiscriminate attacks. For example, on July 28 in Uruzgan, Ahmad Omid Khpalwak, a 25-year-old reporter with the BBC Pashto-Dari radio service and Pajhwok Afghan News, was filing his morning report in a building and was killed by a spray of more than 20 bullets. Farhad Taqaddosi, a cameraman for Iran's Press TV, died of injuries he sustained in the Taliban's September 13 attack on prominent international buildings. Jafar Wafa, a reporter for the Laghman-based Radio Kalagosh, was killed in a roadside bomb attack in Laghman province on December 12.

Censorship or Content Restrictions.—Some media observers contended that individuals either could not criticize the government or practiced self-censorship due to fear of reprisal. Journalists self-censored reporting on corruption or legal violations due to fear of violent retribution by provincial police officials and powerful families. Journalists stated that the government not only failed to protect them, but that officials sometimes actively worked against them through other media sources, through intimidation, or by pressuring others to withdraw advertising revenue.

Publishing Restrictions.—The Ministry of Information and Culture (MOIC) has the authority to regulate the press and media; however, the Ministry of Hajj and Religious Affairs, and the country's council of religious scholars (the "Ulama"), both also attempted to regulate or constrict the media. Although complaints and alleged violations of media regulations are to flow through the Media Complaints Commission into the MOIC, the Ministry of Hajj and Religious Affairs reported in May that it would establish a Vice and Virtue Department to control "un-Islamic" and "immoral" media programs. The Ulama criticized a newspaper that reported on the radicalization of young women in religious madrassahs, stating "the newspaper should be put under pressure" for its criticism of Islam.

Parliamentarians voiced concern about the foreign cultural invasion of the country and stated that the MOIC should do more to stop the proliferation of immoral television programs. Members of the Ulama lobbied the president's office to cease broadcasting what it considered immoral television programs, such as the soap opera "Forbidden Love," which was broadcast on private Tolo TV. Tolo TV eventually took the program off the air to avoid having to close down the television station.

Following what the Ulama and the MOIC saw as a trend in negative programming, both threatened to revoke the activity licenses of any media groups that failed to comply with the law. The law prohibits dissemination of material contrary to the principles of Islam or other religions and sects; works considered defamatory, insulting, offensive, or libelous; materials contrary to the constitution and penal code; disclosure of the identity and pictures of victims of violence and rape in a manner that damages their social dignity; and works and material that harm the psychological security and moral well-being of individuals, especially children and adolescents. The mass media policy had not been implemented by year's end.

The law contains provisions establishing a media oversight structure, headed by a High Media Council (HMC). The HMC had two representatives of the media selected by the MOIC who were not generally accepted by the wider journalism community. The provisions in the Mass Media Law allowing journalists open access to information also have not been implemented.

Although censorship of book publishing was relatively limited, prominent journalist and author, Razaq Mamoon, who wrote a book critical of Iran, was the victim of an acid attack by unidentified men.

The number of female journalists remained low and female reporters found it difficult to practice their profession, although some women oversaw radio stations across the country and some radio stations were devoted to women's issues. Kabul University's Jawida Ahmadi, a lecturer and deputy dean of the journalism faculty, launched the Saboot News Agency which offers capacity building courses in journalism, leadership, and management for female journalists, and also produces news reports about various parts of the country in Dari, Pashto, and English. However, a number of factors reduce the motivation of women to be part of the media industry, including poor security, low capacity, lack of access to the training that was a prerequisite of the modern media industry, and a lack of safe working conditions. Salam Watandar held a female broadcasters gathering in December with 12 women from Balkh, Kunduz, Baghlan, Jalalabad, Kandahar, and Herat provinces. They highlighted the need for qualified female journalists and proposed specialized programming with material provided by six radio stations led by women.

Nongovernmental Impact.—Factional authorities reportedly controlled media in some parts of the country. In addition, according to many media sources, private Iranian, Pakistani, and Gulf state citizens actively influenced the media, shaping it through both ownership and threats. There were allegations that Iran intimidated reporters in the western provinces to increase antigovernment reporting and decrease anti-Iranian articles.

Journalists faced threats not only from state actors, but also from the Taliban and other insurgents. Some reporters stated that they no longer criticized the insurgency in their reporting because they feared the return of the Taliban.

Violence and intimidation of journalists, reporters, and media outlets at the hands of insurgent forces and the Taliban remained a concern and continued to restrict journalists' operating space. In June the Taliban torched three mobile telephone towers in central Logar province after warning mobile telephone companies to cut their services between 6:00 pm and 6:00 am. The Taliban also destroyed two mobile telephone towers in Helmand province.

The Taliban manipulated the media, especially print journalism, both directly and indirectly, by threatening to harm some journalists physically and by directly feeding news to others. Journalists reported receiving threats if they published stories favorable to the government.

The Committee to Protect Journalists (CPJ) reported that local and foreign reporting teams continued to face a risk of kidnapping.

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 e-mail messages.

The CPJ reported that government regulators were not fully able to enforce their rules. Government requests for Internet bans were made to private Internet service providers; filtering equipment was not reported as widely used. The Taliban also used the Internet and sites like Twitter to spread its messages, despite purported government controls. Lack of public infrastructure limited public access to the Internet.

Academic Freedom and Cultural Events.—The government restricted academic freedom by restricting curriculum it deemed un-Islamic. Academic research and curriculum were subject to prior approval of "concerned ministries and institutions," such as the Ministry of Hajj and Religious Affairs. The government funded rehabilitation and preservation of several historical sites and monuments, including both Islamic and Buddhist-period sites. Through foreign government and World Bank funds some emergency recovery and preservation efforts were underway at an extensive Buddhist site near Kabul. The recovery of that cultural heritage was occurring in advance of the copper mining (tendered to a Chinese firm) that was expected to eventually destroy the archaeological remains collocated with the world's second largest copper deposit. Music has made a strong return since the departure of the Taliban.

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

Freedom of Assembly.—A lack of physical security, as well as interference from local authorities and security forces, inhibited freedom of assembly in some areas of the country.

There were numerous generally peaceful protests during the year related to a variety of causes, including the parliamentary impasse and the special tribunal, the rights of persons with physical disabilities, and concerns over public land use. Citizens also frequently protested against civilian casualties allegedly caused by progovernment forces. In August citizens in Zabul province took to the streets to protest night raids and at least three protesters were killed by police. The Zabul police chief claimed that the police opened fire due to insurgents present in the crowd who killed an officer.

Freedom of Association.—The 2009 law on political parties obliges parties to register with the MOJ and requires them to pursue objectives consistent with Islam. The law raised the hurdles for registration of parties; for example, parties are required to have at least 10,000 members registered. Antigovernment violence affected the ability of provincial council candidates and political parties to conduct activities in many areas of the country.

c. Freedom of Religion.—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; however, the government sometimes limited citizens' movement for security reasons.

The government cooperated with the U.N. High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, and other persons of concern but was limited by lack of infrastructure and capacity.

In-Country Movement.—Taxi, truck, and bus drivers reported that security forces operated illegal checkpoints and extorted money and goods from travelers.

The greatest restriction to movement in some parts of the country was the lack of security. In many areas insurgent violence, banditry, land mines, and IEDs made travel extremely dangerous, especially at night.

Armed insurgents also operated illegal checkpoints and extorted money and goods. The Taliban imposed nightly curfews on the local populace in regions where it exercised authority, mostly in the southeast.

Social custom limited women's freedom of movement without male consent or a male chaperone.

Internally Displaced Persons (IDPs).—The country continued to experience high levels of internal population movements, triggered by military operations, natural disasters, and irregular labor conditions. Large numbers of refugees returned but were unable to reside safely in their previous homes because of poor service infrastructure in rural areas, and the volatile security situation in some parts of the country.

At year's end, an estimated 447,547 persons were displaced, according to the UNHCR. Of these, 116,741 persons were displaced prior to December 31, 2002 (referred to as IDPs in protracted displacement). Between January and December, 185,631 persons were displaced due to conflict. The main areas in which displacement originated were Badghis, Farah, Ghor, and Herat in the West and Faryab in the North. The displaced populations largely remained in their regions of origin. The key provinces that received IDPs, in order of the numbers displaced, were Herat, Kandahar, Nangarhar, and Helmand.

Local governments provided access to land for basic accommodation, while international organizations and the Afghan Red Crescent Society provided shelter, food, and other life-saving aid. However, access to land and rights for returnees and IDPs were hampered by a weak judiciary. Some IDPs in protracted displacement established self-sufficient settlements in the Herat, Kandahar, Helmand, and Jalalabad areas.

Unverified populations, including IDPs and refugees who returned, were also known to reside alongside urban slum dwellers in unauthorized informal settlements in the larger urban areas of Kabul, Jalalabad, Mazar-e-Sharif, and Herat. These settlements were prone to serious deficiencies in several areas, including health, education, security of tenure, and absence of registration of child births and identity cards.

Restricted access due to poor security limited the UNHCR's efforts to assess the numbers of displaced persons and made it difficult to provide assistance.

According to the Internal Displacement Monitoring Centre, while the government created a National IDP Task Force, it lacks a comprehensive IDP policy and has opposed local integration or resettlement as a durable solution for IDPs unable to return home.

Protection of Refugees.—Access to Asylum.—Laws do not provide for granting asylum or refugee status, and the government has not established a system for providing protection to refugees. In accordance with an agreement among Afghanistan, Pakistan, and the UNHCR, repatriation must be voluntary.

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

The government's capacity to absorb returned refugees remained low. Economic difficulties and security concerns discouraged numerous refugees from returning to the country; half as many returned compared with the previous year. Many refugees needed humanitarian assistance upon arrival. According to the AIHRC and the UNHCR, single women among refugee returnees and deportees were referred to safe houses until their families guaranteed their safety. The UNHCR referred 24 women to safe houses as of September.

Throughout the year, 67,943 refugees were repatriated voluntarily with UNHCR assistance, mainly from Pakistan and Iran, a decrease of 40 percent from 2010. Approximately 2.8 million Afghan refugees lived in Pakistan and Iran during the year.

Iran continued to deport undocumented economic migrants back to Afghanistan. During the year Iran deported 211,023 undocumented Afghans, a 26 percent decrease compared with 2010 (when 286,662 Afghans were expelled from Iran), through the border points at Islam Qala, Herat province, and Zaranj, Nimroz province.

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 in the September 2010 parliamentary elections based on universal suffrage. The elections were marred by serious, widespread fraud and corruption. The parliamentary elections were disputed for nearly a year after President Karzai established a special elections tribunal to investigate the election results. On August 10, President Karzai issued a decree acknowledging that the IEC was the sole authority to resolve the parliamentary impasse.

Elections and Political Participation.—Recent Elections.—The September 2010 parliamentary elections were held amid significant security and logistical challenges. The elections themselves generally followed the constitutional process, although widespread fraud and corruption, particularly at the subnational level, hampered the election. International observers and civil society groups documented instances of ballot stuffing, ghost polling stations, and some interference by staff of electoral bodies; fraud was especially notable in areas with high levels of insecurity, limited observer and candidate agent coverage, and insufficient female electoral staff. While security preparations improved relative to the 2009 presidential election, security was still inadequate in many locations, and numerous irregularities occurred, including pervasive intimidation of voters, polling staff, and candidates, especially women.

Due to newly implemented antifraud procedures, the IEC proactively threw out 1.3 million of the estimated total 5.6 million votes cast, based on evidence of fraud or other procedural irregularities. The IEC cited evidence of fraud at more than 2,500 polling stations and invalidated approximately 23 percent of the ballots cast. The Electoral Complaints Commission (ECC) disqualified more than 300 polling stations and invalidated the votes for 24 preliminarily elected candidates due to evidence of fraud or noncompliance with IEC rules and regulations. Limited transparency on the part of both commissions during the tally and adjudication processes fueled the perception that political bias might have affected the invalidation process. The IEC certified the official election results on December 1, 2010.

In response to protests about the election results in December 2010, President Karzai appointed a special tribunal to investigate and recommend changes to the election results. The IEC, parliamentarians, and NGOs challenged the legality and constitutionality of the special tribunal, calling repeatedly for its dissolution. The parliamentarians viewed the special tribunal as an attempt by the executive to weaken parliament and interfere with its composition. Despite the special tribunal's ongoing review, parliament was inaugurated on January 26. The special tribunal remained in place and the political impasse over the disputed races and the disposition of seats continued until June, virtually halting legislative action. In June the special tribunal recommended replacing 62 sitting members of parliament (MPs). On August 10, the president issued a decree that returned the review of the disputed cases from the special tribunal to the IEC for a final decision. On August 21, the IEC, which legally assumed the powers of the ECC, overturned nine of the ECC's disqualifications, and issued certificates to nine new MPs. After an internal boycott and heavy resistance to the IEC's decision, parliament had its first quorum after months in October and began voting on long-pending legislation.

In 2009 citizens voted in their second contested presidential election. The IEC declared Karzai president for a second term, after his challenger, Dr. Abdullah Abdullah, withdrew from a run-off election. The elections were similarly marred by serious allegations of widespread fraud.

Political Parties.—Negative associations with warlords and the communists have led many citizens to view political parties with suspicion. The 2009 Party Law replaced the initial law of 2003, which granted parties the right to exist as formal institutions for the first time in the country's history. The new law required parties to have membership papers of 10,000 members (from a minimum of 22 provinces). The law was passed in September 2009 and allowed very little time for parties to complete the registration process in advance of the 2010 parliamentary elections. The National Democratic Institute (NDI) reported that a number of parties com-

plained about the process, citing fraud in the Ministry of Justice, which is responsible for registration of political parties, and the unequal treatment of parties by the registration department. As of November 2010, the MOJ had accredited 33 political parties under the law. By April 38 parties were registered, according to NDI. However, only five parties were accredited in time for the September 2010 elections, and very few parliamentary candidates were shown to be affiliated with a party during the campaign. Political parties were not always able to conduct activities throughout the country, particularly in regions where antigovernment violence affected overall security. A total of 21 political parties had representation in the lower house.

Participation of Women and Minorities.—The Pashtun ethnic group had more seats than any other ethnic group in both houses but did not have more than 50 percent of the seats. The Pashtuns lost seats in the September 2010 lower house elections. There was no evidence that there were societal groups that were specifically excluded. Traditional societal practices that limit women's participation in politics and activities outside the home community likely influenced the central government's composition.

For the Wolesi Jirga, the lower house of the national Assembly, 396 of the 2,510 candidates for the election were women, representing a significant increase in female candidate participation compared with the 2005 parliamentary elections. There were sufficient members to fill the two seats reserved for women in each province (68 of 249 total seats).

Women active in public life continued to face disproportionate levels of threats and violence and were the targets of attacks by the Taliban and other insurgent groups. Most female MPs reportedly experienced some kind of threat or intimidation; many believed that the state could not or would not protect them.

There were reports that the female members of the High Peace Council established in September 2010 were marginalized by their male counterparts and that they were not permitted to take part in initial contacts with representatives from the Taliban or other insurgent groups.

There were no laws preventing minorities from participating in political life; however, different ethnic groups complained that they did not have equal access to local government jobs in provinces where they were in the minority.

The constitution provides for seats for women and minorities in both houses of parliament. The constitution provides for at least 68 female delegates in the lower house of the national assembly, while 10 seats are provided for the Kuchi ethnic minority. According to the constitution, the president should appoint one-third of the members, including two members with physical disabilities and two Kuchis. Fifty percent of the president's appointees to the upper house must be women.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The minimal progress made in initiating and prosecuting high-level corruption cases was largely due to international assistance in creating special anticorruption law enforcement investigatory, prosecutorial, and judicial entities.

Corruption was endemic throughout society, and flows of money from the military, international donors, and the drug trade exacerbated the problem. The International Crisis Group released a study in July that concluded that corruption and poor governance had enabled the Taliban to extend its reach deeply into the east central part of the country (the five provinces surrounding Kabul).

Prisoners and local NGOs reported that corruption was widespread across the justice system, particularly in relation to the prosecution of criminal cases and "buying" release from prison. There were also reports of money paid to reduce prison sentences, halt an investigation, or have charges dismissed outright.

New information emerged about the scale of malfeasance at Kabul Bank, which had been the country's largest private financial institution prior to its collapse in a huge bank fraud scandal that began unfolding in August 2010. Reportedly, nearly 50 billion afghanis ($1 billion) were misappropriated and a vast number of bribes amounting to several millions of dollars were paid to politicians and ministers. Nearly all of the illicit funds were received by politically well-connected shareholders of the bank. By year's end, only 10 percent or $66 million in bank assets had been recovered and no formal criminal charges had been brought against anyone who took money from the bank. Instead the government sought to place significant blame for Kabul Bank's collapse on foreign entities, regulators, and low-level functionaries and employees of Kabul Bank and the Central Bank, including persons from the Afghan Financial Intelligence Unit (FinTRACA). In June the central bank governor left his post and fled the country, citing death threats, as well as

criticism and heavy political pressure from the AGO, along with political interference in his efforts to recover funds.

There were reports that the AGO was unwilling or unable to pursue corrupt officials and that high-level officials who were arrested on corruption-related charges were released subsequent to pressure from President Karzai or his agents. In addition there was anecdotal evidence that accusations of corruption on the part of others were used by corrupt officials to damage their opponents' reputations or to deflect attention from their own misdeeds.

On March 28, former minister of transportation (2006-2008) Enayatullah Qasimi was detained in Kabul and questioned on charges of misusing public funds involving Ariana Airlines, which allegedly cost the government more than 433 million afghanis ($9 million). He was released two days later. It was unclear whether this was a genuine attempt by the government to crack down on high-level corruption.

In April Deputy Attorney General Rahmatulla Nazari spoke publicly about the challenges inherent in arresting high-ranking officials. After testifying in parliament, Nazari said that although at least 20 corruption cases on his docket involved senior government officials, it was impossible to arrest them because many were warlords with armed militias.

Provincial police benefited financially from corruption at police checkpoints and from the narcotics industry. It was generally assumed that ANP officers pay higher-ups or officials in the MOI for their positions and to secure promotions. Corruption cases were rarely if ever pursued by the justice system, especially if they involved police. In Nimroz province, which borders Iran and Pakistan, the media reported that the governor of Delaram District was arrested and accused of drug trafficking. According to the Afghan Criminal Justice Task Force (CJTF), he and his two sons, both ANP officers, used police vehicles in the conduct of their illegal activities. No formal charges were filed by year's end.

In addition to the impunity enjoyed by many officials, low salaries exacerbated government corruption. The international community worked with the national and provincial governance structures to address the problem of low salaries. Salaries for the police, investigators, and judges increased significantly in 2010; however, the pay for prosecutors remained very low. The process of grade reform for prosecutors had not occurred by year's end. In mid-December, however, the council of ministers approved a substantial increase in pay for prosecutors.

Credible sources reported that local police in many parts of the country extorted a "tax" and inflicted violence at police checkpoints. Truck drivers along the Kabul-Kandahar-Herat highway told Afghan television that they had to pay bribes to both the ANP and bandits to allow their trucks to pass.

Police also reportedly extorted bribes from civilians in exchange for release from prison or to avoid arrest. Lack of formal education and low literacy rates among the ANSF and the judiciary hampered the consistent delivery of justice.

The government made efforts to combat corruption in the security apparatus. Before the September 2010 elections, the MOI trained and deployed provincial inspectors general (IGs) who remained on duty after the elections. Merit-based promotion boards continued, with at least three candidates competing for each job; the process of instituting pay reform and electronic funds transfer for police salaries also continued. The MOI continued to obtain training for its IG office.

Leadership of the High Office of Oversight (HOO), established to oversee and to develop the Afghan government's ability to mitigate corruption in line with commitments made at the London and Kabul conferences, changed in January, and most of its programs slowed during the transition. The registration and publication of asset declarations by senior government officials appeared to move forward under heavy international pressure, but it remained to be seen whether the HOO would undertake the required substantive verification of those assets, a key tool to identify possible wrongdoing. Overall, the HOO was ineffective in carrying out its anticorruption mandate.

The government continued to make electronic direct deposits of police and military salaries and expanded a pilot project to pay police via mobile telephone in areas without banks, making pay a more transparent and accountable process and theoretically less subject to corruption. In April 10 soldiers at a base in Mazar-e-Sharif were found guilty of diverting the salaries of deserters into their own accounts, stealing a total of approximately one million afghanis ($22,000). The three ringleaders were sentenced to two to three years' imprisonment and fines equal to twice the amounts they stole. However, the culpable financial officer served only three months in jail and as of year's end, was confined to base at half salary.

Observers alleged that governors with reported involvement in the drug trade or past records of human rights violations received executive appointments and served with relative impunity. Persons from Logar province demonstrated in Kabul in

April, asking for the removal of the Logar governor for corruption and seizure of government land. The governor denied the allegations.

The constitution provides citizens the right to access government information, except when access might violate the rights of others; however, access to information from official sources continued to be limited. Lack of government capacity, particularly at the local level, continued to restrict access to information. Civil society and media representatives sought passage of a law on freedom of access to information, and worked with government officials to draft such laws. Journalists and other stakeholders made recommendations to the ministerial working group with the goal of reconciling a unified draft law.

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

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

The lack of security and instability in parts of the country severely reduced NGO activities. Insurgent groups and the Taliban directly targeted NGOs during the year (see section 1.g.).

Government Human Rights Bodies.—The constitutionally mandated AIHRC continued to address human rights problems and generally operated without government funding. In December President Karzai decided not to renew the terms of three commissioners whose terms expired on December 16. The decision was widely regarded as a government effort to exercise greater control over independent institutions. Tolo News linked the decision to the expected publication of the AIHRC's long-anticipated conflict mapping report covering serious crimes and abuses committed by armed factions from 1978 to 2001.

President Karzai signed the Action Plan for Peace, Justice, and Reconciliation in 2006. While the government has taken some action in support of "transitional" justice as defined in that plan, including the June 28 release of a national strategy for general reform of the justice sector, the focus of its reconciliation efforts has changed over time and has yet to be implemented in practice.

Three parliamentary committees deal with human rights in the Wolesi Jirga: the Gender, Civil Society, and Human Rights Committee; the Counternarcotics, Intoxicating Items, and Ethical Abuse Committee; and the Judicial, Administrative Reform, and Anticorruption Committee. In the Meshrano Jirga, the upper house of parliament, the Committee for Gender and Civil Society addresses human rights concerns.

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

The constitution prohibits discrimination between citizens and provides for the equal rights of men and women; however, local customs and practices that discriminated against women prevailed in much of the country. The constitution does not explicitly address equal rights based on race, disability, language, or social status. There were reports of discrimination based on race, ethnicity, religion, and gender.

Women.—Although the situation of women marginally improved during the year, international gender experts considered Afghanistan a very dangerous country for women. Gains in women's rights and advances in terms of socio-economic indicators remained tenuous at best. Pursuant to the constitution, the 2009 Shia Personal Status Law governs family and marital issues for the 20 percent of the population who are Shia. Although the law officially recognizes the Shia minority, the law adversely affects gender equality and was controversial both domestically and internationally due to its failure to promote gender equality. Articles in the law of particular concern include those on minimum age of marriage, polygyny, right of inheritance, right of self-determination, freedom of movement, sexual obligations, and guardianship.

Rape and Domestic Violence.—The EVAW law, which also came into force in 2009, criminalizes violence against women, including rape, battery, or beating; humiliation; intimidation; and the refusal of food. The law specifically punishes rape with life imprisonment, and if the act results in the death of the victim, the law provides for the death sentence for the perpetrator. The law punishes the "violation of chastity of a woman.that does not result in adultery (such as touching)" with imprisonment of up to seven years. Under the law rape does not include spousal rape. However, there was limited political will to implement the law, and it was neither widely understood nor successfully enforced. There were reports that women who sought assistance under the EVAW in a case of rape were subjected to virginity tests. Sharia also impeded successful prosecution of rape cases.

During the year authorities prosecuted 38 cases under the EVAW law. More than 500 cases were referred to the Violence Against Women (VAW) unit in Kabul during the year, indicating increased awareness of women's rights; the Kabul VAW unit obtained 26 convictions. Women came from 21 provinces to report cases to the Kabul VAW unit, including from as far away as Nimroz and Zabul. The newly opened Herat VAW unit initiated 59 cases during the year. The Balkh VAW unit, which opened in June, sent 21 cases out of 66 referrals to the primary court for prosecution. Government entities, including the Ministry of Women's Affairs and law enforcement officials, referred 16 percent of all cases.

Prosecutors in some remote provinces were unaware of the EVAW, and others were subject to community pressure to release defendants due to familial loyalties, threat of harm, or bribes. Men accused of rape often claimed the victim agreed to consensual sex, leading to an adultery charge against the victim. The MOI's Anti-Crime Police reported 57 cases of rape between March 2011 and February 2012 and another 63 cases of violence against women; the actual number of cases was probably much higher. The MOI reported 77 arrests in connection with those rape cases. Statistics on convictions were unavailable by year's end. Rapes were difficult to document due to social stigma. Male victims seldom came forward. Peer sexual abuse was allegedly common. Female victims faced stringent societal reprisal, from being deemed unfit for marriage to being imprisoned.

On December 1, Gulnaz, a 20-year-old rape victim, was pardoned following international outcry and lobbying by human rights groups after serving two and a half years of a 12-year sentence for the crime of "adultery by force." Judicial authorities initially gave her the option to marry her attacker or stay in jail for her full 12-year sentence. Following the intervention of President Karzai, the conditions were dropped, and she and her eight-month-old baby were released on December 13.

The penal code criminalizes assault, and courts entered judgments against domestic abusers under this provision. According to NGO reports, hundreds of thousands of women continued to suffer abuse at the hands of their husbands, fathers, brothers, armed individuals, parallel legal systems, and institutions of state such as police and justice systems. A U.N. women's commission report released in January found that 87 percent of women were victims of domestic violence. Killing, assault, and sexual violence against women commonly involved family members as suspects.

Police response to domestic violence was limited, in part due to low reporting, sympathetic attitudes towards perpetrators, and limited protection for victims. There were reports of government officials' complicity in violations of the EVAW law. For example in rape cases in Baghlan, the victims were imprisoned and the perpetrators were freed. The ANP in Burkah district allegedly raped a girl and assaulted her parents in Bat Tob village on November 26. Some police and judicial officials were not aware or convinced that rape was a serious criminal offense and investigating a rape case was rarely a priority. Authorities infrequently prosecuted abusers, and if cases came to court, the accused often were exonerated or punished lightly. NGOs confirmed that domestic violence occurred in many homes but went largely unreported due to societal acceptance of the practice.

According to the AIHRC, between March and November there were 3,147 cases of violence against women reported, of which 1075 were cases of physical violence, and 269 sexual abuse cases. Most women did not seek legal assistance for domestic or sexual abuse because they did not know their rights or because they feared prosecution themselves or return to their family or the perpetrator. Women sometimes turned to shelters for assistance and sometimes practiced self-immolation. Provincial authorities in Herat, one of the few provinces with a burn unit, reported 84 incidents of self-immolation during the year. The AIHRC reported 63 female suicides and 70 cases of self-immolation, some of which may have been honor killings disguised as suicides, through November.

NGOs that ran women's shelters in Kabul reported an increase in referrals from police, possibly reflecting improved ANP training and awareness. Women's access to shelters also increased due to international efforts to open three new shelters and expansion to more remote provinces. However, space at the 19 formal and informal shelters across the country was limited. Women in need of shelter who could not find a place often ended up in prison, either due to a lack of shelter alternatives, for their own protection, or based on local interpretation of "running away" as a morals crime.

Forty percent of females in shelters were girls younger than 18, most often escaping forced marriages and domestic abuse. In January, following a three-year investigation of claims that women's shelters were akin to brothels, the government announced a plan to bring all shelters under the MOWA's direction. Human rights NGOs worked with the MOWA to change the regulations and stop the proposed nationalization of shelters. The final shelter regulation approved by the Council of

Ministers, but awaiting the president's approval, was modified to have the MOWA regulate all shelters, but NGOs retained their ability to run them.

Because "unaccompanied" women were not accepted in society, women who could not be reunified with their family had nowhere to go. The difficulty of finding durable solutions for women compelled to stay in shelters was compounded by societal attitudes toward shelters, linked to the belief that "running away from home" was a serious violation of social mores. Government officials argued that control of the shelters would facilitate long-term solutions and allow for eventual reintegration of women into society. To that end, there were reports that the MOWA and other government entities helped arrange at least six marriages for women who could not return to their families.

Policewomen trained to help victims of domestic violence were hindered by instructions to wait for victims to reach out. There were 355 female response unit (FRU) investigators nationwide working out of 146 FRU offices, which were staffed primarily by female police officers who addressed violence and crimes against women, children, and families. Women serving in civilian and ANP positions in the MOI offered mediation and resources to prevent future domestic violence.

Extended family violence was reportedly widespread and difficult to prosecute. In July a prosecutor in Uruzgan province released on bail the father-in-law of Bibi Aisha, the 16-year-old girl from Uruzgan province whose husband and in-laws cut off her nose and ears in September 2009 because she had run away after years of domestic violence. The accused had served 11 months in jail without movement on the prosecution of the case. At year's end, a request to transfer jurisdiction to Kandahar was pending, but further pursuit of the alleged perpetrators appeared unlikely.

Harmful Traditional Practices.—The EVAW law criminalizes forced or underage marriage and baadh (the giving of a female relative to another family to settle a debt or dispute). An estimated 70 percent of marriages were forced, and despite laws banning the practice, a majority of brides were younger than the legal marriage age of 16 (or 15 with a guardian's and a court's approval). In December a 15-year-old woman in Baghlan province was rescued by police after being locked in a basement bathroom, having her finger nails pulled out, and being forced into prostitution by her 30-year-old husband and in-laws. The husband escaped arrest, but her mother-in-law and sister-in-law were in jail at year's end. A survey of married women ages 20 to 24 found that 39 percent had been married before the age of 18. Very few marriages were registered, leaving forced marriages outside legal control. There were reports that women who sought assistance under the EVAW in a case of forced marriage or rape were subjected to virginity tests.

Of the 3,147 cases of violence against women reported between March and November by the AIHRC, 545 cases were classified as traditional and cultural violence, or those customary practices that violated women's rights, such as child and forced marriages, the practice of exchanging women to settle disputes, forced isolation, and honor killings.

Local officials occasionally imprisoned women at the request of family members for opposing the family's choice of a marriage partner or being charged with adultery or bigamy. Local officials imprisoned women in place of a family member who had committed a crime but could not be located. Some women remained in detention facilities because they had run away from home to escape domestic violence or the prospect of forced marriage.

The AIHRC documented 27 "honor killings" through September; however, the unreported number was believed to be much higher and thought to include reported cases of suicide and self-immolation that actually covered honor killings. Under the penal code, a man convicted of honor killing after finding his wife committing adultery cannot be sentenced to more than two years' imprisonment. In November a spurned suitor and group of armed men doused three sisters with acid. The investigation was still pending and no one was arrested by year's end.

The wide range of violence against women also included trafficking and abduction.

Sexual Harassment.—There is no law specifically prohibiting sexual harassment. Women who walked outside alone or went to work often experienced abuse or "eve-teasing," including groping, or were followed on the streets in urban areas. Women who took on public roles that challenged gender stereotypes (such as female lawmakers, NGO leaders, and news broadcasters) received "night letters" most often sent by conservative elements, political powerbrokers, or insurgents to intimidate them and their families. NGOs reported increasing violence against women working in the public and nonprofit sectors, including killings.

Reproductive Rights.—Women generally exercised little decision-making authority regarding marriage, timing of pregnancies, birthing practices, and child education.

Couples were free from government discrimination, coercion, and violence to decide the number, spacing, and timing of their children, but family and community pressures to reproduce, the high prevalence of child and early marriages, and lack of accurate biological knowledge limited their ability to do so. Women could expect to bear on average 5.1 children in their lifetimes. Oral contraceptives, intrauterine devices, injectables, and condoms were available commercially and were provided at no cost in public and private health facilities and by community health workers. There was a 20 percent usage rate of most modern forms of contraception. Men and women were diagnosed and treated equally for sexually transmitted infections, including HIV, when health care was available.

The U.N. estimated maternal mortality at 372 deaths for every 100,000 live births in 2010, down from 1,400 in 2002. Although the situation improved, early marriage and pregnancy still puts girls at greater risk for premature labor, complications during delivery, and death in childbirth. Post-partum hemorrhage and obstructed labor were key causes of maternal mortality.

Discrimination.—Women who reported cases of abuse or who sought legal redress for other matters reported pervasive discrimination within the judicial system. Local practices were discriminatory toward women, and in parts of the country where courts were not functional or knowledge of the law was minimal, elders relied on an interpretation of Sharia and tribal customs, which generally were discriminatory toward women. Most women reported limited access to justice in tribal shuras, where all presiding elders were men; women in some villages were not allowed any access for dispute resolution. Women's advocacy groups reported that in some cases the government intervened informally with local courts to encourage them to interpret laws in ways favorable to women. However, many cases in remote districts were still resolved according to the local police officer's or prosecutor's discretion or interpretation of the law. When legal authorities were aware of the EVAW law and its implementation, women were able to get appropriate assistance.

Police, prosecutors, and judges discriminated against women in criminal and civil legal proceedings stemming from violence and forced marriages, but there were increasing numbers of female attorneys who successfully represented female clients.

Societal discrimination against women continued. Cultural prohibitions on free travel and leaving the home unaccompanied prevented many women from working outside the home and reduced their access to education, health care, police protection, and other social services. Women faced discrimination in access to and terms of employment and occupation. Some educated urban women found substantive work, but many were relegated to menial tasks. There were approximately 1,100 female police officers in a police force of more than 130,000. The government planned to increase the total number to 2,800; however, there was little evidence of efforts to recruit additional female police officers.

The MOWA and NGOs continued to promote women's rights and freedoms. The Independent Administrative Reform & Civil Service Commission Gender Directorate worked on an action plan for increasing the percentage of women in the civil service to 30 percent (up from an estimated 26 percent) by 2013. The MOWA, the primary government agency responsible for addressing gender policy and the needs of women, had provincial offices, but the ministry and provincial line directorates suffered from a lack of capacity and resources, despite efforts of the international community to improve its capacity in line with national priority programs. The provincial offices assisted hundreds of women by providing legal and family counseling and referring women they could not directly assist to relevant organizations.

The country has achieved substantial improvements in health over the past decade, and public health statistics released in November indicated a steep drop in maternal mortality. The overall health situation of women and children remained poor, however, particularly among nomadic and rural populations and those in insecure areas. Similar to males, female life expectancy was 64 years of age. Rural women continued to suffer disproportionately from insufficient numbers of skilled health personnel, particularly female health workers.

Women and children were disproportionately the victims of preventable deaths due to communicable diseases compared to men. Although free health services were provided in public facilities, many households could not afford certain costs related to medicines or transportation to health care facilities, and many women were not permitted to travel to health facilities on their own.

Children.—Birth Registration.—Citizenship is transmitted by a citizen father to his child. Birth in the country or to a citizen mother alone is not sufficient.

Education.—Education is mandatory up to the secondary level (six years for primary school and three years for lower secondary), and the law provides for free education up to and including the college level.

Boys made up nearly two-thirds of the school population. In most regions boys and girls attended primary classes together but were separated for intermediate and secondary-level education. The rate of secondary school for boys was 10 times the rate for girls. NGOs estimated that 2.5 million girls (only 42 per cent of all school-age girls) were enrolled in school. Girls' enrollment dropped significantly after the primary level, and only an estimated 12 per cent of all women and girls age 15 or older were literate, according to NGOs.

The status of girls and women in education remained a matter of grave concern. Key obstacles to girls' education included poverty, early and forced marriage, insecurity, lack of family support, lack of female teachers, and the long distance to school, according to a report released in February by a consortium of NGOs based on interviews conducted in 17 provinces in 2010. Only 30 percent of teachers were female, and most of those taught in urban areas, compounding the plight of schoolgirls in conservative rural areas where men did not teach girls. Poor quality of education, the absence of schools that only served girls, harassment, and lack of community support for girls' access to education were also cited in the study. Violent attacks against schoolchildren, particularly girls, also hindered access to education.

Violence impeded access to education in increasing sections of the country. The Taliban and other extremists threatened and attacked school officials, teachers, and students, and burned both boys' and girls' schools. The MOE reported that between March and October, 20 schools were attacked using explosives or arson, and insurgent attacks killed 126 students. For example, on May 24, the head of a girls' school in Logar province was shot near his home after receiving death threats from the Taliban warning him to stop teaching girls.

NGOs and aid agencies reported that insecurity, conservative attitudes, and poverty denied education to millions of school-age children, mainly in the southern and southeastern provinces. An estimated 60 percent of households in Helmand province reportedly did not send their children to school during summer 2011. Security concerns, particularly in Helmand, inhibited parents from sending their children on long walks to schools separated by distances dictated by the Ministry of Education. Abduction and molestation were both threats. The lack of community-based, close-at-hand schools was only one aspect of lower than optimum school attendance.

In some parts of the country, especially rural areas, schools were closed due to societal bias or security issues. In some areas individuals opened schools inside their homes or recruited local mullahs as teachers. The media reported hundreds of schools re-opened and attacks on schools declined in areas where local education leaders negotiated with the Taliban. A Kabul-based think tank reported at year's end that the government had struck deals over the years by which insurgents would end attacks on state schools in exchange for a more conservative religious curriculum and discretion in hiring Taliban-approved teachers, an allegation which the MOE denied.

Child Abuse.—Child abuse was endemic throughout the country and on the increase according to the AIHRC, based on cultural beliefs about child-rearing. Such abuse included general neglect, physical abuse, sexual abuse, abandonment, and confined forced labor to pay off family debts. There were reports that police beat and sexually abused detained children. During the year drought and food shortages forced many families to send their children on to the streets to beg for food and money. NGOs reported a predominantly punitive and retributive approach to juvenile justice throughout the country. Although it was against the law, corporal punishment in schools, rehabilitation centers, and other public institutions remained common.

Sexual abuse of children remained pervasive. NGOs noted that most child victims were abused by extended family members. During the year the MOI recorded an estimated 100 cases of child rape in Kabul alone. Reports from 13 other provinces totaled 470 cases of child rape. Final reports from all the provinces were not available by year's end, but the unreported numbers were believed to be much higher. On May 10, two defendants in Kunar province were sentenced to 15 years in prison for the kidnapping and rape of a 13-year-old boy. Most child sexual abusers were not arrested, however, and there were reports that security officials and those connected to the ANP raped children with impunity. Media outlets continued to report that harems of young boys were cloistered for "bacha baazi," a practice in which young boys are sold to powerful local figures and businessmen and trained to dance in female clothes for male audiences and then used and traded for sex; however, credible statistics were difficult to acquire as the subject was a source of shame.

Child Marriage.—The legal age for marriage was 16 years for girls and 18 years for boys. International and local observers estimated that approximately 60 percent of girls were married younger than the age of 16. Under the EVAW, those who ar-

range forced or underage marriages may be sentenced to imprisonment of not less than two years; but there has been very limited, if any, implementation of this law. The Law on Marriage states that marriage of a minor may be conducted by a guardian.

By law the marriage contract requires verification that the bride is 16 years of age; however, less than 10 percent of the population had birth certificates. The custom of bride money motivated poor families to pledge daughters as young as six or seven years old, with the understanding that the actual marriage would be delayed until the child reached puberty. However, reports indicated that this delay was rarely observed and that young girls were sexually violated not only by the groom but also by older men in the family, particularly if the groom was also a child. There were reports that young girls who were married between the ages of nine and 11 attempted self-immolation.

Sexual Exploitation of Children.—Although pornography is a crime, child pornography is not specifically prohibited by law. Exploiting a child for sex purposes, as is done with bacha baazi, also is not specified as a crime under the law.

Displaced Children.—The Ministry of Labor, Social Affairs, Martyrs, and Disabled's (MoLSAMD) estimated that the number of street children in Kabul dropped during the year from previous NGO estimates of 37,000 street children in urban areas, but no new survey had been undertaken by the National Census Directorate at year's end. Street children had little or no access to government services, although several NGOs provided access to basic needs, such as shelter and food. Overall, experts stated up to 40 percent of children worked to help their impoverished families.

Living conditions for children in orphanages were poor. The MoLSAMD oversaw 84 Child Protection Action Network (CPAN) centers and 70 residential orphanages, which were designed to provide vocational training to children from destitute families. Of these, 30 were privately funded orphanages and 40 were government-funded centers (but operated by NGOs by agreement with the ministry). NGOs reported that up to 80 percent of four-to 18-year-old children in the orphanages were not orphans but were children whose families could not provide food, shelter, or schooling. Children in orphanages reported mental, physical, and sexual abuse; were sometimes trafficked; and did not always have access to running water, winter heating, indoor plumbing, health services, recreational facilities, or education.

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 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 prohibits any kind of discrimination against citizens and requires the state to assist persons with disabilities and to protect their rights, including the rights to health care and financial protection. The constitution also requires the state to adopt measures to reintegrate and ensure the active participation in society of persons with disabilities. The MoLSAMD drafted and the cabinet approved a five-year National Action Plan on March 16, which directs ministries to provide vocational training, establish empowerment centers, distribute food, build handicapped ramps in some government offices, conduct public awareness programs about the disabled, and take other steps to assist Afghans with disabilities.

The government and NGOs estimated that there were up to 900,000 mobility-impaired persons, of whom approximately 40,000 were limb amputees. The MoLSAMD stated that it provided financial support to 79,202 individuals with disabilities. The MoLSAMD accorded special treatment to families of those killed in war.

In the Meshrano Jirga, two of the presidentially appointed seats were reserved for persons with disabilities.

*National/Racial/Ethnic Minorities.*Ethnic tensions between Pashtun and non-Pashtun groups resulted in conflict and occasional killings. The NGO Minority Rights Group's Peoples under Threat index identified Afghanistan as a country where communities were most at risk of mass killing, especially because of targeting of persons based on ethnicity and religion.

Societal discrimination against Shia Hazaras continued along class, race, and religious lines in the form of extortion of money through illegal taxation, forced recruitment and forced labor, physical abuse, and detention. Ethnic Hazaras reported occasionally being asked to pay bribes at border crossings where Pashtuns were allowed to pass freely; in Ghazni province in April, nomads reportedly attacked and burned 27 Hazara villages. Sikhs and Hindus reportedly continued to face discrimination,

including unequal access to government jobs and harassment in their schools, as well as verbal and physical abuse in public places. The UNHCR reported that Hindus, Sikhs, and Shia Muslims—particularly those from the Hazara ethnic group—faced official obstacles and discrimination by the Sunni Muslim majority.

Ismailis (a minority Shia Muslim group whose members follow the Aga Khan) generally were not targeted or seriously discriminated against, according to NGOs.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law criminalizes homosexual activity, but authorities only sporadically enforced the prohibition. Organizations devoted to the protection or exercise of freedom of sexual orientation remained underground. There were reports of discrimination or violence based on sexual orientation, including police harassment of transvestites. Social taboos remained strong.

Other Societal Violence or Discrimination.—There were no known instances of discrimination or violence against persons with HIV/AIDS, but there was reportedly high social stigma against persons with AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The 2007 labor law allows workers to join and form unions under the 2002 Social Organizations Law, and the government allowed several unions to operate without interference. However, the law provides no definition of a union or its relationship with employers and members. The country lacked a tradition of genuine labor-management bargaining. The law does not prohibit antiunion discrimination or provide for reinstatement of workers fired for union activity.

Although articles 145 and 146 of the labor law identify the Labor High Council established in the MoLSAMD as the highest labor tribunal and the MoLSAMD's Monitoring and Guidance Authority as the body investigating labor disputes, no implementing regulation to establish the council has been drafted.

Implementation of labor laws remained a problem due to lack of implementing regulations, funding, personnel, political will, and central enforcement authority.

In practice, the government allowed several unions to operate without interference. Freedom of association and the right to collective bargaining were respected. However, workers were generally not aware of their rights.

b. Prohibition of Forced or Compulsory Labor.—The constitution prohibits all forms of forced or compulsory labor; however, penal sanctions involving compulsory labor exist as a punishment for persons expressing political views or ideology against the state. The law does not stipulate penalties for forced labor. Government enforcement of the law was ineffective. Afghanistan's Law Countering Abduction and Human Trafficking (2008) prescribes penalties of "maximum term" imprisonment for labor trafficking, which in practice is between eight and 15 years.

Compulsory labor was used in practice. Men, women, and children were forced into poppy cultivation, domestic work, drug trafficking, and sexual exploitation. Reports document the practice of bonded labor, whereby customs allow for families to force men, women, and children to work as a means to pay for debt or to settle grievances. The debt can continue from generation to generation, whereby children are forced to work to pay off their parents' debt. In addition forced child labor existed in sectors such as agriculture, brick kiln work, carpet weaving, domestic service, and organized 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.—The labor law sets the minimum age for employment at 18 years but permits 14-year-olds to work as apprentices, allows children 15 years and older to do "light work," and permits children ages 16 to 18 to work up to 35 hours per week. Children younger than age 13 are prohibited from work under any circumstances. The labor law prohibits the employment of children in work likely to threaten their health or cause disability; however, there was no defined list of hazardous jobs.

The government lacked a specific policy on implementing the law's provisions on child labor, and the Ministry of Labor's inspection function was weak. Generally poor institutional capacity was a serious impediment to effective enforcement of the labor law. In addition fewer than 10 percent of children in the country had formal birth registrations, further limiting authorities' already weak capacity to enforce laws on the minimum age of employment.

Child labor remained a pervasive problem in practice. According to UNICEF estimates, at least 30 percent of primary school-age children undertook some form of work, and there were more than one million child laborers younger than the age of 14. There were approximately 1.2 million children engaged in full- or part-time

work. A 2010 study by the AIHRC found that an even larger portion of the country's 15 million children—up to 40 percent—were likely to be engaged in some sort of paid work.

Child laborers worked as domestic servants, street vendors, peddlers, and shopkeepers, as well as in carpet weaving, brick making, and poppy harvesting. Children were also heavily employed in agriculture, mining (especially family-owned gem mines), and organized begging rings. Some sectors of child labor exposed children to land mines. Children faced numerous health and safety risks at 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.—The minimum wage for government workers was 5,000 afghanis ($108) per month. No minimum wage was set for the private sector; however, the labor law states the minimum wage of the private sector may not be less than the minimum wage of the government sector. The labor law makes no mention of informal sector day workers, leaving them completely unprotected.

The law defines the standard workweek for both public-sector and private-sector employees as 40 hours: eight hours per day with one hour for lunch and noon prayers. Reduced standard workweeks were stipulated for youth, pregnant women, nursing mothers, miners, and others in other occupations that present health risks. The law provides workers the right to receive wages, annual vacation time in addition to national holidays, compensation for injuries suffered in the line of work, overtime pay, health insurance for the employee and immediate family members, per diem for official trips, daily transportation, food allowances, night shift differentials, retirement rights, and compensation for funeral expenses in case of death while performing official duties. There were no officially adopted occupational health and safety standards and no regulations for occupational health and safety.

Employment was at will, and the MoLSAMD did not enforce the existing legal protections for workers, including in the informal sector. Citizens generally were not aware of the full extent of their labor rights under the law. Workers did not have the right to remove themselves from situations that endangered their health or safety without jeopardizing their employment, as all employment could be terminated without cause.

Labor violations against migrant workers were common in practice.

BANGLADESH

EXECUTIVE SUMMARY

Bangladesh is a parliamentary democracy. Prime Minister Sheikh Hasina Wazed led the Awami League (AL) alliance, a 14-party coalition with an overwhelming majority of parliamentary seats. International and domestic observers considered the 2008 elections to be free and fair, with isolated irregularities and sporadic violence. There were instances in which elements of the security forces acted independently of civilian control.

The most significant human rights problems were killings and torture by security forces; societal violence and discrimination against women, despite recent progress in their economic and social status; and the government's discrimination against and failure to protect indigenous persons from societal violence.

Other human rights problems included abuses by security forces, which were responsible for disappearances, custodial deaths, and arbitrary arrest and detention. Prison conditions at times were life threatening, and lengthy pretrial detention continued to be a problem. An increasingly politicized judiciary exacerbated problems in an already overwhelmed judicial system and constrained access to justice for members of opposition parties. Authorities infringed on citizens' privacy rights. There were instances in which the government limited freedom of speech and press, self-censorship continued, and security forces harassed journalists. The government curbed freedom of assembly, and politically motivated violence remained a problem. Widespread official corruption remained a serious problem. Violence against children remained a serious problem, as did trafficking in persons. Discrimination against persons with disabilities was a problem. Societal violence against religious and ethnic minorities persisted, although many government and civil society leaders stated that these acts often had political or economic motivations and could not be attributed only to religious belief or affiliation. Discrimination against persons based on their sexual orientation remained a problem. Limits on worker rights, child labor, and unsafe working conditions also remained problems.

Impunity continued to be a serious problem in several areas. Most members of the security forces acted with impunity, the Rapid Action Battalion (RAB) in particular. The government did not take comprehensive measures to investigate cases of security force killings. Widespread official corruption and related impunity continued. Punishment of officials who committed abuses was predominantly limited to officials perceived to be opponents of the AL-led government.

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

a. Arbitrary or Unlawful Deprivation of Life.—Members of the security forces committed numerous extrajudicial killings. Police, Border Guard Bangladesh (BGB) forces (the former Bangladesh Rifles), and the RAB at times used unwarranted lethal force.

Allegations about the RAB's arbitrary actions were numerous. For example, according to Odhikar, a domestic human rights organization, members of the RAB shot and killed Mohammad Shafiqul Islam, a local politician from Comilla, on April 4 in Narayanganj District near Dhaka City. The RAB picked up Shafiqul, who was named in several criminal cases filed by a political rival, in the Demra neighborhood in Dhaka City and took him to a village. According to company commander Arman Uddin Chowdhury, Shafiqul was killed in a shootout between the RAB and a group of "robbers." The RAB did not state whether or not he was a participant in the shootout, but the official statement included references to the previous criminal cases filed against him. A coroner's inquest determined that Shafiqul was shot five times. Human rights organizations called for a formal, transparent investigation into the death, but there was no investigation by year's end.

The government did not release statistics for total killings by all security personnel. The government did not take comprehensive measures to investigate cases. According to the media and local human rights organizations, no case resulted in criminal punishment, and in the few instances in which the government brought charges, those found guilty generally received administrative punishment. Most members of the security forces acted with impunity. Since 2004, when the minister for law, justice, and parliamentary affairs stated that crossfire deaths under the custody of the RAB or the police could not be considered custodial deaths, the government has not disclosed any prosecution of a RAB officer for a killing.

According to media reports, local and international human rights organizations, and the government, the RAB killed 43 persons during the year, compared with 68 the previous year. Combined security units containing RAB members killed eight persons during the year. The deaths, some under unusual circumstances, occurred during raids, arrests, and other law enforcement operations, or, in some cases, while the accused was in custody. The government often described these deaths as "crossfire killings," "gunfights," or "encounter killings," terms it used to characterize exchanges of gunfire between the RAB or police and criminal gangs.

For example, according to press and human rights organization reports, the RAB shot and killed five men in the Uttara neighborhood of Dhaka City on August 12. According to the RAB, officers fired on the vehicle containing Mohammad Hasan, Mostofa Hossain, Suruj Miah, Sabuj, and Mohammad Maruf after the victims initiated the gunfire; however, a report by the Daily Star cited eyewitnesses disputing the claim, saying that the victims were shot from a short distance and did not fire any shots. Non-RAB law enforcement officials were responsible for 33 deaths, 15 of which were attributed to crossfire incidents.

According to the human rights organization Ain O-Shalish Kendra (ASK), 216 deaths occurred in custody during the year, including 116 deaths in prison. Many of the deaths were allegedly the result of torture (also see section 1.c.).

According to the Daily Star, Mohammad Mobarak Ali died in police custody in Chittagong on April 30. Mobarak, a rickshaw puller, was detained on drug-related charges, and his body showed signs of beating after his initial period in custody. After his death the police report stated that he died of "drug dependency withdrawal syndrome"; however, according to the Daily Star report, Mobarak was not a drug user.

The case concerning the May 2010 death in custody of Mohammad Manik continued. Manik allegedly was tortured to death by Subinspector Yunus Miah.

There were no developments concerning the May 2010 death of Abul Kalam Azad. Azad's family claimed that the RAB tortured him to death.

According to Odhikar, an inquiry committee formed to investigate the death of Mohammad Mizanur Rahman, allegedly shot by police Subinspector Anisur Rahman during interrogation in June 2010, determined that Mizanur died from bullets fired by "muggers."

There were a significant number of reports of killings involving political party supporters targeting other political party supporters, although there was no evidence of support from party leadership.

Politically motivated violence decreased from the previous year; however, the trend was an increase in such violence since the AL government assumed office, with opposition party supporters claiming attacks and harassment by ruling party supporters. Motivations for the violence often were unclear. According to Odhikar, 135 deaths were suspected of being politically motivated, compared with 220 the previous year. There were also 340 incidents of internal violence in the AL and 104 within the Bangladesh Nationalist Party (BNP). Twenty-two persons were killed and 3,770 persons injured in AL internal conflict, and three persons were killed and 1,234 persons injured in internal BNP violence. Incidents of nonlethal politically motivated violence also occurred (see section 1.c.).

Violence along the border with India remained a problem, but following a series of intergovernmental meetings, the number of incidents decreased by approximately 58 percent compared with the previous year. There were reports that the BGB engaged in shootings along the border.

According to human rights organizations, the Indian Border Security Force killed 31 Bangladeshis during the year, compared with 98 the previous year. For example, according to Odhikar, on January 7, Indian forces shot and killed 15-year-old Felani Khatun as she attempted to cross the border fence. Felani's body hung from the fence for five hours before Indian authorities transferred her to their Bangladeshi counterparts.

b. Disappearance.—Disappearances and kidnappings, many allegedly by the security services, increased during the year, but precise figures were unavailable. At least some of the kidnappings were politically motivated, although many were often for money or as a result of localized rivalries. According to Odhikar, there were 30 disappearances with alleged ties to security personnel, compared with nine in 2010. According to the RAB, the organization was accused of disappearances that were the responsibility of private citizens who impersonated its forces.

For example, according to Odhikar, on February 15, the RAB detained Mohammad Rafiqul Islam, an imam and salesman in the North Shahjahanpur neighborhood of Dhaka City. Eyewitnesses and a police report filed by the victim's son-in-law stated that RAB officers, some in civilian dress and others in RAB uniforms, detained Rafiqul and forced him into a covered pickup truck. The RAB denied arresting him. Rafiqul's whereabouts remained unknown at year's end.

The whereabouts of Mohammad Chowdhury Alam, a BNP city councilor in Dhaka allegedly detained by the RAB in June 2010, remained unknown as of year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the constitution prohibits torture and cruel, inhuman, or degrading punishment, security forces, including the RAB and police, frequently employed torture and severe physical and psychological abuse during arrests and interrogations. Security forces used threats, beatings, and electric shock. According to Odhikar, security forces tortured at least 46 persons. The government rarely charged, convicted, or punished those responsible, and a climate of impunity allowed such abuses by the RAB and police to continue.

The criminal procedure code contains provisions allowing a magistrate to place a suspect in interrogative custody, known as remand, during which the suspect could be questioned without his or her lawyer present. During the year the government made efforts to limit the amount of time allowed for remand; however, these efforts were largely ignored by local magistrates. Most abuses occurred during periods of remand.

For example, according to press and human rights reports, Momtaz Uddin Ahmed, a Supreme Court lawyer affiliated with the opposition BNP, died on August 26, 15 days after he was detained and interrogated by the Dhaka Metropolitan Police. Ahmed's family alleged that he was tortured, causing him to suffer a heart attack. Ahmed's wife filed a case against the home minister seeking restitution. The police denied torturing Ahmed, and the results of a Home Ministry investigation into the matter were inconclusive as of year's end.

A Home Ministry-formed investigation committee concluded an inquest into the alleged torture and killing of Mohammad Mohiuddin Arif by the RAB in January 2010. The National Human Rights Commission filed an application to have the death investigated. The Home Ministry had not published the report as of year's end.

Salahuddin Quader Chowdhury remained incarcerated awaiting war crimes charges related to the country's 1971 war of independence. Chowdhury's family alleged that he was tortured during his initial interrogation, but police denied the

charges. Chowdhury was later moved into protective custody and allowed medical treatment, but serious concerns regarding his health persisted.

According to Odhikar, there were at least four recorded incidents of rape and sexual abuse by police officers and armed forces personnel.

There were also incidents of nonlethal politically motivated violence. For example, according to press and human rights organization reports, police officers brutally beat Zainul Abdin Farroque, an opposition BNP member of parliament (MP) and the party's chief whip, while he was leading a procession near parliament during the BNP's July 6 nationwide strike. Farroque sustained serious cranial trauma and subsequently left the country to seek medical treatment. According to Amar Desh, a BNP-leaning daily newspaper, the two police officers involved were both former Bangladesh Chhatra League (BCL) leaders from Kishoreganj District in Dhaka Division. The police later filed a case accusing Farroque of obstructing the officers in the performance of their duty. The case was pending year's end.

Individual members of student wings from all major parties were responsible for numerous acts of on-campus violence. In 2010 auxiliary student wings were formally severed from the political parties, and according to media and human rights sources, many incidents of violence were related to criminal activities or personal as opposed to political vendettas. Despite the formal separation, some politicians representing all major parties mobilized members of student wings for movements and demonstrations.

For example, according to Odhikar, on August 14, in Sunamganj District in Sylhet Division, activists from the BCL, the ruling AL's auxiliary student wing, attacked a meeting of the Committee for the Protection of Oil, Gas, Mineral Resources, Power, and Port, an organization that opposed the government's energy policies. The BCL activists stormed the meeting and violently dispersed those in attendance, injuring seven persons.

Prison and Detention Center Conditions.—Prison system conditions remained life threatening at times due to overcrowding, inadequate facilities, and lack of proper sanitation. Human rights observers stated that these conditions contributed to custodial deaths.

According to Odhikar, 105 persons died in prison and 140 persons died in the custody of police and other security forces during the year, compared with 46 prison deaths and 109 custodial deaths in 2010.

According to the government, the existing prison population at year's end was 69,850, or more than 237 percent of the official prison capacity of 29,450. Of the entire prison population, approximately one-third of the detainees had been convicted. The rest were either awaiting trial or detained for investigation. Due to the severe backlog of cases, individuals awaiting trial often spent more time in jail than if they had been convicted and served a maximum sentence. In most cases prisoners slept in shifts because of the overcrowding and did not have adequate bathroom facilities. Conditions in prisons varied widely often within the same prison complex as some prisoners were subject to high temperatures, poor ventilation, and overcrowding while others were placed in "divisional" custody, which featured better conditions, such as increased family visitation and access to household staff. Political and personal connections often influenced the conditions in which a prisoner would be placed. All prisoners have the right to medical care and water access. Human rights organizations and the media stated that many prisoners did not enjoy these rights, and available water was often nonpotable.

The law requires that juveniles be detained separately from adults, but in practice many juveniles were incarcerated with adults. More than 300 children were imprisoned (some with their mothers), despite laws and court decisions prohibiting the imprisonment of minors. In some places the figure was much higher, mainly because there was no proper means of recording age in the criminal justice system. According to statistics from the 2008 International Centre for Prison Studies report, minors made up 0.4 percent of the prison population.

Although the law prohibits women in "safe custody" (usually victims of rape, trafficking, and domestic violence) from being housed with criminals, in practice officials did not always provide separate facilities in these situations. According to Odhikar there were 2,402 women incarcerated in prisons.

Prisoners were permitted religious observance. Prisoners were allowed to submit uncensored complaints to authorities, and the authorities occasionally investigated these complaints.

In general the government did not permit prison visits by independent human rights monitors, including the International Committee of the Red Cross. Government-appointed committees composed of prominent private citizens in each prison locality monitored prisons monthly but did not publicly release their findings. Dis-

trict judges occasionally visited prisons but rarely disclosed their findings to the public.

There were few efforts to improve the prison system during the year.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention; however, the law permits authorities to arrest and detain persons suspected of criminal activity without an order from a magistrate or a warrant.

Legal experts and human rights activists criticized the use of mobile courts during opposition party-imposed nationwide strikes. Mobile courts headed by magistrates were employed to prosecute persons who illegally tried to support the strikes by rendering verdicts on the spot, which often included prison terms.

For example, according to Odhikar, a mobile court interdicted Khandaker Ashaduzzaman during a nationwide strike on July 5 and accused him of arson. According to numerous eyewitnesses, Ashaduzzaman was not in the vicinity of the arson incident; however, the mobile court summarily sentenced him to six months' imprisonment. Ashaduzzaman accused the police of torture and remained in prison at year's end.

Role of the Police and Security Apparatus.—Police are organized nationally under the Ministry of Home Affairs (MOHA) and have a mandate to maintain internal security and law and order. The army is responsible for external security but also has some domestic security responsibilities, such as in the Chittagong Hills Tracts. Police generally were ineffective and reluctant to investigate persons affiliated with the ruling party. Impunity was widespread among the security forces. Although mechanisms exist to investigate abuses by security forces, in practice these were not implemented. The government took some steps to improve police professionalism, discipline, training, and responsiveness and reduce corruption. For instance, the RAB sought technical assistance towards the creation of an internal affairs unit.

In Natore District's Barigram subdistrict, the case concerning the October 2010 murder of subdistrict chairman Sanaullah Noor Babu in an attack on a BNP rally by the BCL stalled, as all 27 accused were granted bail. Video of the incident was dispersed on the Internet showing a local AL leader beating Babu to death. Local authorities told the media that the case would move forward but did not offer a timeline. The local Awami League MP later addressed a rally of AL activists, telling them they had "nothing to worry about" over the incident.

In August 2010 the AL-led government withdrew charges previously filed against AL activists for firing on a BNP rally in Dhaka's Malibagh neighborhood in 2001, terming the charges politically motivated. Witness and media reports placed the 23 prominent AL activists accused, include an AL MP, at the forefront of a group that fired on the BNP rally, killing four persons and wounding four others. Newspapers published photographs from the incident that showed many of the accused brandishing firearms. The four murder cases stalled in the absence of accused parties.

Tangail District's Ahmadi community experienced three waves of coordinated attacks in June, August, and October 2010. In each incident the attackers entered Ahmdi villages, targeting male members of the sect for beatings and vandalized homes and religious institutions. The attacks left more than 20 persons injured. The community reported the attacks to the police, but no arrests were made.

Plaintiffs rarely accused police in criminal cases due to lengthy trial procedures and fears of retribution. Reluctance to bring charges against police perpetuated a climate of impunity.

Security forces frequently failed to prevent societal violence (see section 2.d.).

Arrest Procedures and Treatment While in Detention.—The law provides for arrest on suspicion of criminal activity without an order from a magistrate or a warrant, and the government regularly used such provisions. The government or a district magistrate may order a person detained for 30 days to prevent the commission of an act that could threaten national security; however, authorities held detainees for longer periods. The magistrate must inform the detainee of the grounds of detention, and an advisory board is required to examine the detainee's case after four months. Detainees had the right to appeal.

ASK and media outlets estimated that authorities made more than 2,000 routine arrests daily. The majority of those arrested were released within one or two days, often on payment of a bribe.

On September 19, the AL government carried out a mass arrest of Jamaat-e-Islami activists after the organization's student front clashed violently with police.

There was a functioning bail system in the regular courts. For example, the courts granted bail to almost all of the officials and former officials accused of corruption under the caretaker government; however, the system sometimes moved slower in cases that carried political implications. Additionally the attorney general ordered

that his office have the final decision on bail cases for violations of the code of criminal procedure.

Most criminal detainees charged with crimes were granted access to attorneys. The government rarely provided detainees with state-funded defense attorneys, and there were few legal aid programs for detainees. Government-funded legal aid programs received little funding, and there were no efforts to expand those programs during the year. The government generally permitted lawyers to meet with their clients only after formal charges were filed in the courts, which in some cases occurred several weeks or months after the initial arrest.

Arbitrary Arrest.—Arbitrary arrests were common, and the government held persons in detention without specific charges, often to collect information about other suspects.

Pretrial Detention.—Arbitrary and lengthy pretrial detention continued to be a problem due to bureaucratic inefficiencies, limited resources, lax enforcement of pretrial rules, and corruption. There were an estimated two million pending civil and criminal cases. A 2008 estimate from the International Center for Prison Studies found that nearly 70 percent of prison inmates were in pretrial detention.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, but in practice a longstanding temporary provision of the constitution placed the executive in charge of the lower courts, judicial appointments, and compensation for judicial officials. Legislation from 2007 officially separating the judiciary from the executive remained in effect throughout the year.

Despite ostensible separation of the judiciary from the executive, the political authority made judicial appointments to the higher courts and allegedly influenced many judicial decisions on politically sensitive cases, including decisions regarding bail and detention for political opponents of the government. On October 20, 10 additional judges appointed by the AL-led government were sworn into the High Court Division of the Supreme Court. The Supreme Court Bar Association declined to participate in the customary felicitation of the judges, citing the panel's alleged political makeup.

Throughout the year President Zillur Rahman granted clemency in cases filed under previous governments that the government deemed politically motivated. The majority of clemencies were granted to persons affiliated with the AL, and many clemencies drew widespread criticisms from civil society.

Human Rights Watch reported that defense counsel for Jamaat-e-Islami leaders accused of war crimes suffered intimidation from law enforcement and government officials.

Corruption and a substantial backlog of cases hindered the court system, and trials were typically marked by extended continuances that effectively prevented many defendants from obtaining fair trials due to witness tampering, victim intimidation, and missing evidence. Human rights observers stated that magistrates, attorneys, and court officials demanded bribes from defendants in many cases filed during the year.

Trial Procedures.—The law provides accused persons with the right to be represented by counsel, review accusatory material, call or question witnesses, and appeal verdicts. Cases are decided by judges rather than juries, and trials are public. In practice a public defender is rarely provided to defendants. Defendants are presumed innocent and have the right to appeal, be present, and see the government's evidence.

According to the National Human Rights Commission, 90 percent of those eventually brought to trial were not convicted.

Political Prisoners and Detainees.—During the year the government, through an interministerial committee, continued to identify and withdraw allegedly "politically motivated" cases initiated under the caretaker government. The majority of the cases recommended for withdrawal were against AL members. While political affiliation was often a factor in the arrest and prosecution of members of the opposition parties, no persons were prosecuted solely for political reasons.

Civil Judicial Procedures and Remedies.—Administrative and judicial remedies are available for alleged wrongs. The government did not interfere with civil judicial procedures. Corruption and outside influence were problems in the civil judicial system. Alternative dispute resolution for civil cases allows citizens to present their cases for mediation. According to government sources, wider use of mediation in civil cases quickened the administration of justice, but there was no assessment of its fairness or impartiality. Individuals and organizations have the right to seek civil remedies for human rights violations; however, the civil court system was slow and cumbersome, deterring many from filing cases.

Property Restitution.—The government continued to take no action to compensate individuals, primarily Hindus, who lost their land under the 1974 Vested Property Act, despite the change to the law in 2001 requiring the return of the land (see section 2.d.).

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law allows intelligence and law enforcement agencies to monitor private communications with the permission of the chief executive of the MOHA.

According to media reports, the government established a national monitoring center consisting of representatives from law enforcement and intelligence agencies to monitor and coordinate telephone taps in 2008. Media and human rights groups complained that the government continued to employ the practice of illegal telephone tapping. Police rarely obtained warrants as required, and officers who violated these procedures were not punished. Human rights organizations indicated that the special branch of police, National Security Intelligence, and the Directorate General Forces Intelligence employed informers to conduct surveillance and report on citizens perceived as critical of the government. The government also routinely conducted surveillance on opposition politicians. Human rights organizations and news outlets reported that police often entered private homes without obtaining the proper 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, but the government frequently failed to respect these rights in practice.

Freedom of Speech.—The 15th constitutional amendment, which parliament passed in July, contained language equating criticism of the constitution with sedition. Under the penal code, the punishment for sedition ranges from three years' to life imprisonment, and during the year sedition cases were filed against opposition leaders who made such critical remarks.

Freedom of the Press.—There were hundreds of daily and weekly independent publications. Newspapers critical of the government experienced negative government pressure. In addition to one official government-owned news service, there were two private news services. In 2010 Reporters Without Borders noted a slight decline in the country's already limited level of press freedom. In Freedom House's 2010 press freedom report, the country's press was described as only partly free.

The government owned one radio station and one television station. The law mandates that the public television station, BTV, remain the country's only terrestrial (nonsatellite) broadcast channel. An estimated 60 percent of the population did not have access to private satellite channels, and surveys indicated that almost 80 percent of citizens received their information from television. BTV broadcasts parliamentary sessions and government programming but rarely broadcasts opposition views. Cable operators generally functioned without government interference. The government required all private stations to broadcast, without charge, selected government news programs and speeches by the prime minister.

Since coming to power in 2009, the AL-led government has shut two television channels, Channel 1 and Jamuna-TV. Both remained off the air at year's end.

The government issued new licenses to operate television channels to political supporters and denied new licenses to political opponents. This conformed to past practice and was not unique to the AL.

Violence and Harassment.—Attacks on journalists continued to be a problem. There was an increase in individuals affiliated with the government or ruling party harassing, arresting, or assaulting journalists. According to Odhikar and media watchdog groups, at least one journalist was killed, 139 were injured, one was arrested, 43 were assaulted, 53 were threatened, and 23 had cases filed against them during the year. Student groups also attacked journalists. The government did not provide adequate protection to journalists.

Journalists perceived to be critical of the government and those aligned with the opposition alleged harassment from unspecified wings of the security forces and members of the ruling party. For example, on May 20, the prime minister's security adviser, Tarique Ahmed Siddique, held a press conference to announce that the government possessed evidence that a prominent editor of a national daily newspaper was closely tied to Islamic militancy and that, if it wanted to, the government could arrest the editor. Siddique did not name the editor and no arrests were made.

On July 31, authorities arrested Ekramul Haq, the editor of the online news portal SheershaNews, on an extortion charge, which was widely perceived as fabricated, in retaliation for Haq's reports on corruption within various government ministries. Authorities revoked the press credentials of SheershaNews journalists,

making it impossible to cover official events and forcing the news agency to shut down indefinitely. Haq was released on bail, but the cases remained pending at year's end.

On September 12, members of the RAB in Dhaka assaulted a broadcast engineer for the channel BanglaVision. The officers also damaged broadcasting equipment. The reason for the assault was unclear; however, RAB officials later apologized to BanglaVision and reassigned the officers responsible.

According to press and human rights organization reports, on June 3, a group of activists tied to local AL leader Ali Hossain in Kushtia District of Khulna Division attacked and injured Tauhidi Hasan, the local correspondent for Prothom Alo; Sheikh Belal Hossain, the local correspondent for RTV; Jahirul Islam, the local correspondent for Ekushey TV; and Ahmed Sajeeb, a cameraman for Ekushey TV. Following the attack, Hasan was admitted to the hospital. The journalists were investigating irregularities and discrepancies in local government tenders.

Censorship or Content Restrictions.—According to some journalists and human rights nongovernmental organizations (NGOs), journalists engaged in self-censorship due to fear of retribution from the government. Although public criticism of the government was common, the media—particularly print media—depended on government advertisements for a significant percentage of their revenue. As a result the media had a strong incentive for self-censorship.

The government did not subject foreign publications and films to stringent reviews and censorship. A government-managed film censor board reviewed local and foreign films and had the authority to censor or ban films on the grounds of state security, law and order, religious sentiment, obscenity, foreign relations, defamation, or plagiarism, but this was less strict than in the past. In practice video rental libraries and DVD shops stocked a wide variety of films, and government efforts to enforce censorship on rentals were sporadic and ineffective.

According to a published Agence France-Presse report, the Bangladesh Film Censor Board issued a July ruling banning Hridoy Bhanga Dhew (Heart Breaking Wave), citing content that mocked ruling party officials. Members of the censor board identified a coat, often identified with independence leader and AL founder Sheikh Mujibur Rahman, which was worn by the film's villain, as the offending content. The film was eventually released.

The government only rarely exercised censorship in cases of immodest or obscene photographs, perceived misrepresentation or defamation of Islam, or objectionable comments regarding national leaders.

Internet Freedom.—Although individuals and groups generally could engage in the expression of views via the Internet, local human rights organizations reported continued government monitoring of Internet communications. The government blocked some Facebook pages, including pages depicting the Prophet Muhammed and pages critical of both the prime minister and opposition leader. Opposition leaders alleged that security forces attempted to collect their personally identifiable information; however, these allegations were not independently verified.

Academic Freedom and Cultural Events.—The government did little to limit academic freedom or cultural events; however, media groups reported that authorities discouraged research on sensitive religious and political topics. Additionally, a significant number of Dhaka University teachers, some with overt BNP affiliations, have been dismissed or put on extended leave since the AL-led government assumed office in 2009; however, it was unclear whether the concerned teachers were targeted because of their political affiliations.

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association, and the government generally respected these rights in practice; however, at times the government limited freedom of assembly.

Freedom of Assembly.—The government generally permitted rallies to take place but on occasion used the criminal procedure code to prevent opposition political groups from holding meetings and demonstrations. The code authorizes the administration to ban assembly of more than four persons; according to ASK, the administration used this provision at least 133 times during the year. At times police or ruling party activists used force to disperse demonstrations.

A ban on student protests in certain areas of Dhaka, issued by the Dhaka Metropolitan Police in 2010 citing traffic concerns, remained in effect throughout 2011. It was only selectively enforced. Police occasionally used excessive force during political rallies.

The Islamist Party, Jamaat-e-Islami, reported that its ability to secure permits for rallies or processions was severely hampered throughout the year.

Freedom of Association.—The law provides for the right of every citizen to form associations, subject to "reasonable restrictions" in the interest of morality or public order, and the government generally respected this right. Individuals were free to join private groups. Trade unions were able to conduct their normal activities, but the law made it nearly impossible to form new trade unions in many sectors, such as the ready-made garment industry.

c. Freedom of Religion.—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, except in the cases of some opposition political figures.

Foreign Travel.—With the 1971 war crimes trials underway, the government implemented an international travel ban on war crimes suspects, most of whom were opposition party leaders. These suspects were not stripped of their passports, but immigration officials at the airport in Dhaka occasionally prevented politicians belonging to the opposition BNP and Jamaat-e-Islami from leaving the country. For example, in early June senior BNP leader Giasuddin Quader Chowdhury was taken from a plane despite a court order allowing him to travel. Chowdhury's appeals to the government that he be allowed to travel for medical purposes were unresolved as of year's end. Some politicians successfully challenged the unannounced restrictions on their travel abroad and managed to depart and return to the country.

The country's passports were invalid for travel to Israel.

Internally Displaced Persons (IDPs).—According to the International Displacement Monitoring Center (IDMC) Web site, armed conflict broke out in the Chittagong Hill Tracts (CHT) in 1973 as the government opposed the demands of the indigenous Jumma community for greater autonomy. During the conflict throughout the 1970s and 1980s, the government relocated landless Bengalis from the plains, ensuring that the Jumma became a minority in the CHT. During this period clashes with army-backed settlers displaced tens of thousands of Jumma within the country.

The number of IDPs in the region was disputed. In 2000 a government task force estimated the number to be 500,000 but included nonindigenous persons in its estimate. During the same year, Amnesty International reported that there were approximately 60,000 indigenous IDPs. In 2008 the government pledged assistance and reparation to those who lost their land during the conflict and set up a commission and task force for rehabilitation of returnee Jumma IDPs and the elimination of military camps. According to the IDMC, however, as of 2009 there were still approximately 300 military camps in the region, and the work of the land commission and task force was hindered by lack of funding and human resources.

The IDMC also reported that there was "possibly a much larger number" of members of religious minorities across the country who may have been "forcibly displaced" as a result of discriminatory legislation. The Hindu community in particular lost much of its land under the 1974 Vested Property Act, which authorized government confiscation of property from individuals it deemed "enemies of the state." According to the IDMC, almost 750,000 Hindu families were dispossessed of agricultural land. There was no systematic reporting on the treatment of these widely scattered IDPs.

On November 28, the parliament passed the Vested Properties Return (Amendment) Bill mandating the preparation of district level lists detailing land displacement in order to facilitate the return of land. The original Vested Properties Return Bill was passed in 2001 but remained unimplemented in the interim. Land Minister Rezaul Karim Hira stated that the bill was amended in order to restart the effort to return the land.

IDPs in the CHT had limited physical security. The IDMC reported that the army still held authority over the general CHT administration, through an administrative order, and there were many reported cases of IDPs being subjected to arbitrary arrest, unlawful detentions, torture, rape, killing, and religious persecution (see section 6). According to the IDMC, several reports indicated that these violations of the rights of indigenous persons by settlers, sometimes with the involvement of security forces, were "systematic."

There was no government action to punish the perpetrators of the February 2010 arson attacks on more than 200 homes of indigenous IDPs in Baghaihat, in which two persons were killed and dozens injured.

IDPs in the CHT also lack access to courts and legal aid. According to the IDMC, the CHT commission, composed of experts from inside and outside Bangladesh who seek to promote respect for human rights, democracy, participatory development,

and land rights in the CHT, found that the lack of information and available lawyers to assist the indigenous persons there hindered their access to justice.

A 2011 study commissioned by the CHT commission entitled Alienation of the Lands of Indigenous Peoples in the Chittagong Hill Tracts documented the incremental methods used to internally displace the indigenous communities. According to the study, indigenous land was expropriated using false title manipulation, intimidation, force, fraud, and manipulation of government eminent domain claims.

Protection of Refugees.—Access to Asylum.—In the absence of any national legislation, the law does not provide a legal framework for the granting of asylum or refugee status. The government has no formal system for providing protection to refugees. In practice the government provided some protection against the expulsion or return of refugees to countries where their lives or freedoms would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees; however, delays in granting approvals by the government's NGO Affairs Bureau led to extended delays in allowing NGOs to operate in the country and implement assistance programs.

The government estimated that 200,000 to 500,000 undocumented Rohingya resided in the country, with most living among the local population in the surrounding area of Teknaf and Cox's Bazar, including approximately 20,000 at an unofficial site adjacent to the official Kutupalong refugee camp. International NGOs generally were unable to work officially with unregistered refugees or with the impoverished host community because the NGO Affairs Bureau refused to grant permission for such projects. There were no repatriations of Rohingya during the year, and the UNHCR's resettlement program, suspended in 2010 by the Ministry of Foreign Affairs pending a review of its refugee policy, was not resumed. No refugee policy was issued by year's end, and resettlement remained suspended.

Working with the UNHCR, the government provided temporary protection to approximately 29,000 registered Rohingya refugees at two official refugee camps and to individual asylum seekers that the UNHCR interviewed and recognized as refugees on a case-by-case basis. According to the UNHCR, there were some discrepancies between the government's official list of registered refugees and the UNHCR's list. The UNHCR worked to resolve these discrepancies with the government by conducting a harmonization exercise beginning in 2010. This joint exercise was exhaustive and involved face-to-face interviews of an estimated 6,915 persons who resided in the camps and who in most cases were extended family of official refugees. While the UNHCR and the Ministry of Food and Disaster Management reached a broad agreement on the recognition of more than 2,800 cases, the formal activation of these cases remained blocked elsewhere in government.

Nonrefoulement.—The government continued to deny asylum to Rohingya arriving from Burma whom it categorized as illegal economic migrants. While there were credible reports of Rohingya turned back at the border, the border was very porous. As a result attempts to stem the tide of migration proved unsuccessful. The actual scale of cross-border movement remained unclear. The government claimed that a sizeable influx was created by "pull factors" in Bangladesh, but these claims were not adequately substantiated. The UNHCR, which maintained a field presence in both countries and attempted to monitor these trends, acknowledged that there was considerable daily cross-border movement for trade and smuggling; however, the UNHCR did not find evidence to confirm a significant scale of influx or flight to Bangladesh. According to the UNHCR, some of the individuals who were turned back likely were entitled to refugee status. Some unregistered persons in the UNHCR camps returned to the country illegally after their official repatriation to Burma in the mid-1990s. On a number of occasions, local police detained unregistered persons outside the camps and imprisoned them under the Foreigners Act. The release of incarcerated, unregistered Rohingya was often prevented by the Burmese government's unwillingness to identify the concerned Rohingya as Burmese, preventing their repatriation and leaving them effectively stateless.

Refugee Abuse.—According to the UNHCR, there were cases of abuse against refugees, including rape, assault, domestic abuse, deprivation of food, arbitrary detention, and documentation problems. Working with the UNHCR, the government continued to improve some aspects of the official refugee camps following findings in recent years that sanitation, nutrition, and shelter conditions had fallen below minimum international standards. The government permitted the UNHCR to replace shelters and latrines and permitted more NGOs to work in the camps on skills training, education, and health for residents.

Access to Basic Services.—In spite of some improvements in services and infrastructure in the official camps, some basic standards were not met and conditions in the camps remained overcrowded, with densities on a par with the country's urban slums.

Refugees had limited freedom of movement beyond the camps and were expected to obtain permission for all movements outside the camps. In the camps possession of cell phones was prohibited, and operation of small-scale shops and tea stalls was subject to control by the camp authorities. In practice there was variable enforcement by the local camp authorities, who often showed some flexibility and restraint, but on other occasions imposed harsher measures. In spite of these constraints, some refugees worked illegally as manual laborers or rickshaw pullers in the unregulated economy, and small numbers of students studied with the assistance of private tutors and participated in countrywide school exams through the high school level.

As in previous years, the government continued to ignore UNHCR requests to allow Rohingya refugees who were unable to return to Burma to work locally, obtain medical care, or attend school outside the camps. The government began to allow the U.N. Children's Fund (UNICEF) to operate schools through grade five in the camps. In practice, however, the provision of basic services from the UNHCR and NGOs meant that registered refugees often received better medical care than citizens in surrounding villages.

Stateless Persons.—Between 200,000 and 500,000 Rohingya were de facto stateless, although many integrated into local communities without significant issue.

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.

On June 30, the AL-led parliament passed the 15th amendment to the constitution over an opposition boycott, abolishing the provision mandating that elections be held under a neutral, caretaker government. The caretaker government system was established before the 1996 parliamentary general elections in response to the electoral system's perceived vulnerability to political manipulation. The amendment followed a May supreme court ruling that declared the caretaker system unconstitutional.

Under the 15th amendment, the 2013 parliamentary general elections and all subsequent elections are to be supervised by an independent electoral commission operating under the political government in power, which in 2013 would still be the current AL-led government. Many independent observers criticized the change because they believed that the electoral system's vulnerabilities to political manipulation that had necessitated the creation of the caretaker system had not been addressed and would resurface, leaving the electoral system vulnerable to political manipulation. This issue became a matter of enormous partisan concern and attention during the year.

The parliament had 350 members, 300 of whom were directly elected. Selection for these seats was based on each political party's proportional representation within the 300-member group of directly elected legislators. An additional 50 seats are reserved for women, who are selected by political parties. Party leaders appointed candidates for elections, and there were allegations that wealthy candidates could purchase nominations from party leaders with campaign contributions or personal gifts.

Opposition parties continued to boycott parliament throughout the year but returned on certain days to fulfill the procedures necessary to retain their seats. They demanded fair treatment by the speaker and the ruling party legislators as preconditions for their return to the house. The parliament formed all 48 standing committees in the first session with participation from opposition parties. The opposition MPs continued to participate in standing committee meetings despite their absence from parliament.

Elections and Political Participation.—Recent Elections.—Sheikh Hasina, leader of the AL, became prime minister in 2009, following the parliamentary elections of 2008, which international and local observers deemed free and fair. The 14-party AL alliance held 229 of the 300 available seats. Hasina's cabinet included representatives from the other parties in her coalition. Hasina replaced Fakhruddin Ahmed, chief adviser to the caretaker government, as the head of government. BNP chairperson and former prime minister Khaleda Zia became leader of the opposition.

January 27 by-elections for two seats in the eastern districts of Brahmanbaria and Habiganj were marked by sporadic violence and allegations of ballot manipulation.

Participation of Women and Minorities.—According to the law, women are eligible to contest any seat among the 345 MPs, but 45 additional seats were reserved for women. In June the 15th amendment raised this number to 50 out of 350 MPs.

There was no provision to provide parliamentary seats for minorities.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The Anti-Corruption Commission (ACC) is the government agency charged with fighting corruption. On February 23, the government appointed a former bureaucrat and a retired judge, both publicly identified with the ruling AL, as commissioners of the ACC. According to a 2010 report by the World Bank, the government tried to undercut the authority of the ACC and severely hampered the prosecution of corruption throughout the country. The reports stated that the government had filed far fewer corruption cases than the caretaker government and that a government commission had recommended that the ACC drop thousands of corruption cases, mostly involving AL members. Members of civil society stated that the government was not serious about fighting corruption and that the ACC was used for politically motivated persecutions. Transparency International Bangladesh asserted that political interference in the ACC's operations had rendered it a "toothless tiger."

For example, on August 8, the ACC filed a case against the leader of the opposition in parliament and former prime minister, Khaleda Zia, and three others, alleging that they abused power to set up a charitable trust named after late president Ziaur Rahman. The opposition BNP termed the case "baseless and politically motivated."

On June 23, a Dhaka court sentenced Arafat Rahman Koko, the younger son of opposition leader Khaleda Zia, to six years' rigorous imprisonment in a money-laundering case filed by the ACC in 2009. A separate money-laundering case was also filed against Khaleda Zia's other son, Tarique Rahman. Both were living outside the country on bail at year's end, but as a result of his conviction, Rahman Koko effectively became a fugitive.

A review committee headed by the state minister for law, justice, and parliamentary affairs recommended the withdrawal of politically motivated cases that the government and ACC filed prior to 2009. The committee recommended the withdrawal of approximately 1,817 cases, filed mostly against AL leaders, including all the cases filed against Sheikh Hasina. Other cases recommended for withdrawal included one case against BNP leader Khaleda Zia's son, Tarique Rahman, one against BNP leader and former law minister Moudud Ahmed, and one against Jatiya Party secretary general Ruhul Amin Howlader. Ahmed refused the government's offer to withdraw all cases against him and demanded the withdrawal of all politically motivated cases against BNP leaders, including Khaleda Zia and her sons.

At a news conference on September 13, ACC Director General Farrukh Ahmed announced that the ACC had launched action against all 448 persons who were exempted by the caretaker government's Truth and Accountability Commission (TAC) for confessing their involvement in corruption and surrendering their ill-gotten wealth. The ACC decision to launch action against those who received TAC amnesty followed a high court order declaring the TAC illegal and its decisions void.

The government took some steps to address widespread police corruption. The inspector general of police continued to implement a new strategy, partially funded by international donors, for training police, addressing corruption, and creating a more responsive police force. No assessment of its impact on corruption within the police force was available.

The judiciary was subject to political pressure from the government, and cases involving opposition leaders often proceeded in an irregular fashion. In several cases the appellate division overturned decisions granting bail to high-level corruption suspects who were leaders of opposition parties.

Corruption remained a serious problem within the judiciary. Corruption was a factor in lengthy delays of trials, which were subject to witness tampering and intimidation of victims. Several reports by human rights groups and corruption watchdog groups indicated growing public dissatisfaction with the perceived politicization of the judiciary.

In August a Daily Star investigative report revealed that former chief justice ABM Khairul Haque received a payment of 1,037,000 taka ($13,127) from the prime minister's Relief and Welfare Trust. According to the report, Haque and several

other judges from the high court division received the money shortly before a series of rulings that nullified several constitutional amendments, including a provision protecting the electoral system from politicization, thereby setting up the passage of the 15th amendment by the AL-led parliament. The Ministry of Law, Justice, and Parliamentary Affairs confirmed the amounts transferred, and Haque stated that the payment was used to purchase medical treatment for his wife.

The law provides for public access to government information, but in practice it has not been fully effective. The Information Commission conducted an awareness campaign on the public's right to information. The commission fined a medical doctor at a government hospital 1,000 taka ($13) in September for not furnishing information to an applicant within the time stipulated in the law.

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

A wide variety of domestic and international human rights groups generally operated independently and without government restriction, investigating and publishing their findings on human rights cases. Although human rights groups often were sharply critical of the government, they also practiced some self-censorship. Government officials were generally not cooperative or responsive to their views.

The government required all NGOs, including religious organizations, to register with the Ministry of Social Welfare. Local and international NGOs, including Odhikar, Doctors Without Borders, Action Against Hunger, Handicap International, and the Bangladesh Center for Workers' Solidarity (BCWS), reported numerous credible instances in which the government sought to impede their work, either by canceling projects or subjecting them to restrictive operating requirements, which often resulted in a temporary or permanent cessation of their work.

Government Human Rights Bodies.—The government announced some financial allocations for the country's seven-member Human Rights Commission; however, the organization was not fully functional by year's end, despite submitting an annual report in March that requested a wide scope of changes to the organization's mandate, including constitutional recognition.

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

Laws specifically prohibit certain forms of discrimination against women, provide special procedures for persons accused of violence against women and children, call for harsh penalties, provide compensation to victims, and require action against investigating officers for negligence or willful failure of duty; however, enforcement of these laws was weak. Women, children, minority groups, and persons with disabilities were often confronted with social and economic disadvantages.

Women.—Rape and Domestic Violence.—The law prohibits rape and physical spousal abuse but makes no specific provision for spousal rape. According to Odhikar, there were 711 reported incidents of rape against women and girls during the year, including 450 against girls. According to human rights monitors, the actual number of rape cases was higher because many rape victims did not report the incidents due to social stigma. Prosecution of rapists was not consistent. Of the 711 rape victims, 119 were victims of gang rape; 54 were killed after their rape. According to ASK, there were only 599 rape cases including 83 attempted rape cases filed with the police during the year.

According to Odhikar, on June 2, a group of men gang-raped a teenage girl in the Tongi subdistrict of Dhaka Division. They were led by her landlord's son, Moinuddin. After raping the girl, the assailants doused her body in kerosene and lit it on fire. The girl died several days later and no arrests were made.

Local human rights groups reported that rapes and rape attempts against indigenous females increased sharply during the year.

For example, according to The Daily Star, law enforcement authorities arrested nine persons, including a Catholic priest, on February 23 in the Godagari subdistrict in Rajshahi Division for their involvement in a village arbitration following the gang rape of a local woman. Eight villagers allegedly raped a 14-year-old indigenous girl and, following the arbitration, harassed her until she committed suicide. The illegal village arbitration had sent the victim to live in a convent near her home and ordered the attackers to pay a sum of money to the victim's family to avoid being reported to the police. The case continued at year's end.

In October 2010 the parliament passed the Domestic Violence (Protection and Prevention) Bill, which criminalized domestic violence. Women's rights groups criticized the government for its inaction on domestic violence, which was widespread, although data quantifying it was difficult to obtain. A 2000 study by the U.N. Population Fund indicated that at least 50 percent of women had experienced domestic violence at least once in their lives. The Bangladesh National Women Lawyers' As-

sociation (BNWLA) filed 384 cases related to violence against women during the year and received more than 4,247 reports of violence against women. Most efforts to combat domestic violence were funded by NGOs with little assistance from the government.

For example, according to press reports, in December Rafiqul Islam tied and gagged his wife Hawa Akther Jui, then cut off all the fingers on one hand, allegedly because she had begun attending college. Islam was arrested, and the case continued at year's end.

According to numerous press and human rights reports, in early June Syed Hasan Sumon brutally beat his wife in the Dhanmondi area of Dhaka, biting off part of her nose and causing her to lose her sight in one eye. Sumon alleged that his wife was committing adultery. The courts, however, rejected Sumon's justification of the assault, and the police charged him with domestic violence. Sumon died of unknown causes in police custody while awaiting trial.

Some of the reported violence against women was related to disputes over dowries. For example, according to the Daily Star, Ainat Ali and several of his relatives in the Thakurgaon Sadar subdistrict of Rangpur Division, brutally beat and poisoned his wife on September 10 during a dowry-related dispute. The attackers allegedly beat the victim regularly over a two-year period in an attempt to elicit a larger dowry from her family. After the victim's death, the alleged attackers attempted to pass the incident off as a suicide. The victim's family filed a murder case with local police, and the case continued at year's end.

There was an increase in the number of dowry-related killings during the year. ASK reported 502 cases of dowry-related violence, including physical torture, acid attacks, and killings, compared with 395 the previous year. There were no adequate support groups for victims of domestic violence.

NGOs such as the BNWLA operated facilities to provide shelter to destitute persons and distressed women and children. Courts sent most of them to shelter homes. In a few cases, they were sent to prison as a transit destination for short periods.

On May 12, the Supreme Court's appellate division overruled a 2001 high court ruling banning fatwas (religious edicts); however, in its ruling the court declared that fatwas could be used only to settle religious matters and could not be invoked to justify meting out punishment, nor could they supersede existing secular law. Islamic tradition dictated that only those muftis (religious scholars) with expertise in Islamic law were authorized to declare a fatwa. Despite these restrictions, village religious leaders sometimes made such a declaration in an individual case and called the declaration a fatwa. Such declarations could result in extrajudicial punishments, often against women, for perceived moral transgressions.

Incidents of vigilantism against women—sometimes led by religious leaders by means of fatwas—occurred. According to ASK, 59 incidents of vigilante violence against women occurred during the year, and only 20 incidents resulted in police action. The punishments included whipping, beating, and other forms of physical violence.

For example, according to several newspapers and human rights groups, a 15-year-old girl in Shariatpur District of Dhaka Division died after being whipped at least 50 times in fatwa-based village arbitration. She was found guilty of adultery after she was raped by a relative. The local doctor's initial autopsy determined that she died of natural causes; however, after the issue gained national attention, the High Court ordered the victim's body exhumed, and her real cause of death was determined. The High Court ordered the arrests of the village arbiters and revoked the local doctor's medical license. The case continued at year's end.

Acid attacks remained a serious problem. Assailants threw acid in the faces of victims—usually women—and left them disfigured and often blind. Acid attacks often related to allegations of spousal infidelity. During the year, according to Odhikar, 101 persons were attacked with acid. Of these victims, 57 of the victims were women, 25 were men, and 19 were children. The government made efforts to punish offenders and reduce availability of acid to the general public.

For example, according to Odhikar, Liton Sardar of Satkhira District in Khulna Division threw acid in his wife's face after she filed a case accusing him of bigamy. The victim was hospitalized with severe burns, and the case continued at year's end.

On September 8, a court in Habiganj District in Sylhet Division sentenced four men to life imprisonment for a 2006 incident of acid violence. Abdul Quaiyum, Haris Miah, Auli Miah, and Alkas Uddin were also fined 50,000 taka ($633) for the incident, in which they broke into the home of an 18-year-old woman and flung acid in her face after she rejected their advances. Only Haris Miah was tried in court, as the other three individuals had absconded and were fugitives.

The law provides for speedier prosecutions of acid-throwing cases in special tribunals and generally does not allow bail. The Women and Child Repression Control Act seeks to control the availability of acid and reduce acid-related violence directed toward women, but lack of awareness of the law and poor enforcement limited the law's effect. According to the Acid Survivors Foundation, the special tribunals were not entirely effective; prosecutors were able to obtain a conviction in an estimated 10 to 12 percent of attacks each year. In January the Commerce Ministry moved to restrict acid sales, limiting buyers to those registered with relevant trade organizations; however, the restrictions were not universally enforced, and acid attacks continued throughout the year.

Sexual Harassment.—Sexual harassment in schools, workplaces, and other public spaces remained a problem during the year. A 2009 study published by the Journal of Interpersonal Violence found that out of 5,106 unmarried adolescent girls in rural areas surveyed in 2004, 35 percent had experienced harassment; 34 percent, unwanted sexual attention; and 14 percent, sexual intimidation.

Reproductive Rights.—Reproductive health information was freely available, but income and education often served as barriers to access. Pharmacies carried a wide range of family planning options; however, traditional family roles often hindered free access.

According to the 2010 Bangladesh Maternal Mortality and Health Care Survey, the maternal mortality ratio declined by 40 percent over the preceding nine years, from 322 to 194 deaths per 100,000 live births. Approximately half of the maternal deaths were due to postpartum hemorrhage and eclampsia, with 7 percent attributed to obstructed labor. One in three maternal deaths was due to indirect obstetric causes. Only 27 percent of births were delivered through a skilled birth attendant (23 percent of the deliveries occurred at a health facility and 4 percent occurred at home with a trained health provider). Although three in four births occurred at home, the total of women delivering at a health facility increased from 9 percent to 23 percent. Fifty-six percent of women received at least one prenatal check from a medically trained health provider; only 24 percent received the recommended four checkups. Fewer than one in four women received postnatal care from a trained health provider within two days of delivery.

Discrimination.—Women remained in a subordinate position in society, and the government did not act effectively to protect their basic rights. On March 7, the cabinet approved the National Women's Development Policy, which contains language encouraging the promotion of women's education and participation in governance issues. The new policy, which does not have the full force of law, also contains language stating that women could have an equal share in property, businesses, and inheritance. Under traditional Islamic inheritance laws, daughters inherit only half that of sons, and in the absence of sons, they may inherit only what remains after settling all debts and other obligations. Under Hindu inheritance laws, a widow's rights to her deceased husband's property are limited to her lifetime and revert to the male heirs upon her death. The provision detailing the right to equal inheritance triggered a series of protests and a nationwide strike led by conservative Islamic groups. Several government leaders stated that the policy would not supersede existing religion-based inheritance laws, and as of year's end there was no change to the law.

Employment opportunities greatly increased for women in the last decade, largely due to the growth of the export garment industry. Women constituted approximately 80 percent of garment factory workers. There were some disparities in pay in the overall economy between men and women, but in the garment sector wages were generally comparable.

Children.—The government, with the assistance of local and foreign NGOs, worked to improve children's rights and welfare, enabling the country to make significant progress in improving children's health, nutrition, and education. Despite some progress, a 2009 Household Food Security and Nutrition Assessment jointly conducted by the government, the World Food Program, and UNICEF found that 48.6 percent of all children remained chronically malnourished.**

Birth Registration: The law does not grant citizenship automatically by birth within the country. Individuals become citizens if their fathers or grandfathers were born in the territories that are now part of the country. If a person qualifies for citizenship through ancestry, the father or grandfather must have been a permanent resident of these territories on or after March 25, 1971. Birth registrations were held by approximately 10 percent of the population.

Education.—Primary education was free and compulsory, but the implementation of compulsory education fell short, in part because parents kept children out of school to work for money or help with household chores. Government incentives to

families that sent children to school contributed significantly to the rise in primary school enrollments in recent years. Despite these efforts and contrary to established policies, public schools imposed fees that were burdensome for poor families and created a disincentive to attend school.

Child Abuse.—Child abandonment, abuse, kidnapping, and trafficking continued to be serious and widespread problems. Despite advances, including a monitoring agency in the Ministry of Home Affairs, trafficking of children continued to be a problem. Child labor remained a problem in certain industries, mostly in the informal sector. It frequently resulted in the abuse of children, mainly through mistreatment by employers during domestic service. According to a 2006 study by the Bangladesh Institute of Labor Studies, attacks on children constituted more than 50 percent of the deaths, injuries, and sexual assaults reported among domestic workers during the year.

Child Marriage.—Although the legal age of marriage is 18 for women and 21 for men, underage marriage was a widespread problem. Reliable statistics concerning underage marriage were difficult to find because marriage registrations were sporadic and birth registrations rare. The U.N.'s State of the World's Children 2011 report stated the rate of child marriage in the country was 66 percent, affecting 53 percent of girls in urban areas and 70 percent in rural areas. In an effort to reduce child marriages, the government offered stipends for girls' school expenses if parents promised to delay their daughters' marriages until at least the age of 18.

Sexual Exploitation of Children.—The penalty for sexual exploitation of children is 10 years' to life imprisonment depending on mitigating circumstances. The minimum age of consensual sex is 16 years as defined by the Women and Children's Repression Prevention Act (2003); however, the penal code sets the age at 14. The discrepancy has not been challenged in court. Child pornography is prohibited using the penal code's statute against selling or distributing obscene material, and the penalty is three months in prison coupled with a fine; however, in December the government publicly acknowledged the gaps in its pornography statutes and promulgated an antipornography bill that would set the penalty for possession or distribution of child pornography at 10 years' imprisonment coupled with a fine. In 2009 the International Labor Organization (ILO) and the Bangladesh Bureau of Statistics completed a baseline survey on commercial sexual exploitation of children. According to the survey, among 18,902 child victims of sexual exploitation, 83 percent were girls, 9 percent transgender children, and 8 percent boys. Forty percent of the girls and 53 percent of the boys were below the age of 16.

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.—There was no Jewish community in the country, and there were no reports of anti-Semitic acts, but some newspapers occasionally printed anti-Semitic articles and commentary.

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

Persons With Disabilities.—The law provides for equal treatment and freedom from discrimination for persons with disabilities; however, in practice persons with disabilities faced social and economic discrimination. The law focuses on prevention of disability, treatment, education, rehabilitation and employment, transport accessibility, and advocacy.

The 2001 Disabled Welfare Act and its 2008 regulations represent the country's comprehensive disability legislation; however, the law's impact is limited due to vague obligations, a weak implementation mechanism, and a sweeping indemnity clause. Most provisions create positive obligations, which are difficult to enforce. For example, the obligation on the government to provide persons with disabilities free education until the age of 18 has not been translated into tangible results. The law indemnifies all government employees from prosecution, limiting enforcement.

The law excludes children with "mental deficiency" from compulsory public education. The law provides inadequate safeguards against involuntary institutionalization and minimal oversight of guardians and caregivers. For example, at least 40 prisoners with psychosocial disabilities remained in the standard prison system, where some of them have been for nearly two decades.

The law bars persons with disabilities from applying for civil or judicial service positions. Public interest litigation initiated in April 2010 challenged both regulations, but persons with disabilities were routinely denied the opportunity to sit for examinations and were denied appropriate reasonable accommodations.

The law contains extensive accessibility requirements for new buildings. In practice, however, plans for new buildings were approved for construction without close compliance with these specifications.

Persons with disabilities were legally afforded the same access to information rights as those without disabilities, but family dynamics often influenced whether or not these rights were used.

The law identifies persons with disabilities as a priority group for government-sponsored legal services. The Ministry of Social Welfare, Department of Social Services, and National Foundation for the Development of the Disabled are the government agencies responsible for protecting the rights of persons with disabilities. Government facilities for treating persons with mental disabilities were inadequate. Several private initiatives existed for medical and vocational rehabilitation, as well as for employment of persons with disabilities. Several NGOs, including Handicap International, had programs focusing on helping and raising awareness about persons with disabilities.

Indigenous People.—The indigenous community experienced widespread discrimination and abuses, despite government quotas for indigenous participation in the civil service and higher education. The government also failed to protect indigenous persons from societal violence.

According to Odhikar, during the year clashes between ethnic-Bengali settlers and the indigenous community resulted in 40 persons killed, 94 injured, 17 abducted, 18 raped, and the destruction of 40 indigenous homes.

For example, on April 17, according to NGO and press reports, a series of violent clashes between Bengali settlers and the indigenous community in the Ramgarh subdistrict of the Chittagong Hill Tracts left at least four persons dead and numerous injured. The clashes were triggered by a land dispute and resulted in the burning of at least four indigenous villages, with arson attacks targeting food storage houses and Buddhist temples. A local political organization, Parbattya Chattagram Jono Sanghati Samity, released a statement claiming that the Bengali settlers involved in the arson attacks acted with the assistance of security forces, a claim the government refuted. At least one indigenous man was taken into police custody and was reported missing following the attacks.

There were no new developments in the case of the February 2010 skirmishes between Bengali settlers and the indigenous community in Baghaihat in the Chittagong Hill Tracts. During the incidents parties set fire to several homes and attacked the residents with sticks and firearms, resulting in the deaths of two indigenous persons.

During the year the government released several statements announcing that the country's indigenous population was not "indigenous" and henceforth would be known as "small ethnic minorities" instead. The 15th amendment to the constitution codified this new category. Indigenous leaders disputed the new nomenclature, citing their long history in the Chittagong Hill Tracts and the plains land of Bengal. Indigenous leaders also objected to the term "small ethnic minorities" because its Bangla translation, upojati, is a pejorative term connoting "tribal."

The 1997 Peace Accord provided for the removal of all temporary camps, leaving six permanent cantonments. Since its signing the government had withdrawn 212 camps, leaving approximately 235 camps. During the year indigenous leaders continued to protest the army's presence and called publicly called for its removal.

Indigenous populations had marginal ability to influence decisions concerning the use of their lands. The government reconstituted the CHT Land Commission in 2009, which announced its decision to conduct a land survey; however, indigenous rights groups criticized this decision since they believed Bengali settlers would be able to obtain false documents detailing ownership of traditionally indigenous lands. The land commission did not function effectively in addressing critical land disputes after the signing of the peace accord. Indigenous leaders also remained disappointed with the lack of assistance to those who left the area during the insurgency.

Indigenous communities in other areas continued to report loss of land to Bengali Muslims. The government did not cancel work on national park projects on land traditionally owned by indigenous communities in the Moulvibazar and Modhupur forest areas, but it did not undertake any new activities. In addition, indigenous communities, local human rights organizations, and churches in the area continued to claim that the government had yet to withdraw thousands of false charges the Forestry Department filed against indigenous residents.

The National Committee for Implementation of the CHT Peace Accord was reconstituted in late December 2010 but suspended the activities of the land commission pending further review. The government ceded some key functions, such as primary education, to local authorities, but it did not cede responsibility for other key functions, such as land use and natural resources, as the accord specified. Law and

order problems and alleged human rights violations continued, as did dissatisfaction with the implementation of the peace accord.

The government allows limited cell phone and Internet coverage in the three Hill Tract districts. The government cited security concerns as the reason for limiting coverage, but human rights groups and local officials claimed lack of coverage was also aimed at stunting the development of the region.

Indigenous groups reported that monitoring by civilian and military intelligence agencies increased significantly during the year.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Consensual same-sex sexual activity is illegal, but in practice the law was rarely enforced. There were several informal support networks for gay men, but organizations to assist lesbians were rare. Informal organizations reported that they were unable to organize, do outreach, petition for changes to the law, or set up permanent establishments because of the possibility of police raids. One gay rights organization stated that gay men and lesbians also often faced extreme family pressure to marry opposite-sex partners.

Attacks on lesbian, gay, bisexual, and transgender (LGBT) persons occurred on occasion, but those offenses were difficult to document because victims desired confidentiality. Strong social stigma based on sexual orientation was common and prevented open discussion about the subject. The Bandhu Social Welfare Society, a local NGO, reported 109 cases of assault against LGBT persons during the year, as opposed to 128 in 2010.

Although overt acts of discrimination against LGBT individuals were fairly rare—partly because few individuals openly identified their sexual orientation—there was significant societal discrimination. Openly gay individuals, particularly those from less affluent backgrounds, found that their families and local communities ostracized them. Some sought refuge in the traditional transgender or "hijra" community.

On May 24, The New Age newspaper announced that the Passport Office would allow those who identify as neither male nor female to identify as "other" on their passports.

Other Societal Violence or Discrimination.—Vigilante killings occurred during the year, and reports suggested that the problem increased compared with 2010. Odhikar reported at least 161 killings, but local human rights organizations acknowledged that the number of reported cases probably represented only a fraction of the actual incidents.

According to press reports, on July 18, a mob in the Amin Bazar area of Savar District in Dhaka Division beat to death six men suspected of robbery in the presence of law enforcement officials. A judicial probe into the incident resulted in the termination of eight police officers, but there were no arrests as of year's end.

According to a report by BanglaNews24, members of the BCL, the AL's auxiliary student wing, held a vigilante court in the Suhrawardy Udyan area of Dhaka. The BCL flogged several indigent citizens for a litany of perceived crimes. Dhaka Metropolitan Police stated that they would investigate the matter, but there were no arrests as of year's end.

There were no reported cases of violence or discrimination against HIV/AIDS patients. NGOs believed that this was partly a function of the refusal of victims to self-identify and an absence of research, given the relatively low rate of HIV/AIDS in the country.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law provides for the right to join unions and, with government approval, the right to form a union, although numerous restrictions on union registration remained. For example, the law requires more than 30 percent of an enterprise's total workforce to be members before approval can be granted, and the union can be dissolved if membership falls below 30 percent; no more than three trade unions can be registered in any establishment; and managerial staff, firefighting staff, security guards, and other employees designated by employers as "confidential" may not join unions.

Civil service and security force employees were legally prohibited from forming unions. In 2006 new categories of workers, including teachers and NGO workers, were permitted to form unions; however, due to the broad limitations on union organizing during the 2007-09 state of emergency, these regulations were not formally instituted.

The 2006 Bangladesh Labor Act (BLA) consolidated laws from 25 separate acts into one comprehensive law. The director of labor is responsible for the registration and dissolution of unions. The registrar of trade unions may deregister unions with the approval of the labor court, and during the year some unions were deregistered,

primarily for labor law violations. The law affords unions the right of appeal in the case of dissolution or denial of registration.

The law recognizes the right to strike; however, many restrictions on this right remained. For example, 75 percent of union membership must consent to a strike before it can proceed. The government can shut down any strikes lasting more than 30 days and refer the matter to labor courts for adjudication. In addition strikes are banned for the first three years of commercial production or if the factory was built with foreign investment or owned by a foreign investor. The law protects the rights of workers to organize and bargain collectively without interference, but this right was not always effectively enforced. The BLA includes provisions protecting unions from employer interference in organizing activities; however, employers often sought to curtail this right, particularly in the ready-made garment industry.

Under the law legally registered unions are entitled to bargain collectively with employers; however, this was rarely implemented in practice. The BLA simplified and clarified the procedure for selecting a collective bargaining agent and specified time limits for steps in the process. Labor organizations reported that in some companies, workers feared reprisals and did not exercise their collective bargaining rights.

The law establishes mechanisms for conciliation, arbitration, and labor court dispute resolution. Workers who are in or belong to a collective bargaining union have the right to strike in the event of a failure to reach a settlement. Civil servants and security forces do not have the recourse of established mechanisms for conciliation, arbitration, and labor court resolution; however, they may avail themselves of the government service regulation and file cases in a specified court, such as the Administrative Tribunal. In practice few strikes followed the legal requirements, which are cumbersome; strikes or walk-outs often occurred due to the spontaneous decisions of workers.

In 2010 the parliament passed the EPZ Workers' Welfare Society/Association and Industrial Relations Act, which, among other things, specifies association rights in the export processing zones (EPZs). According to the act, Workers Representation and Welfare Committees formed under the previous law expire four years after their constitution. In place of these committees, workers were to form Workers Welfare Societies/Associations (WWS/A), although the act did not set a date for the elections of the leadership of the new WWS/As. Under the act the WWS/As have many of the same basic powers as workers' associations, including the right to engage in collective bargaining. The act also provided that until a separate labor tribunal was established for the EPZs, the existing Labor Court would function as the EPZ Labor Tribunal. EPZ workers can file complaints to enforce broader legal rights in the EPZs.

The WWS/As are prohibited from establishing any connection to outside political parties or NGOs. Under the previous law, no provision barring affiliation with NGOs had existed. It was unclear if the 2010 act would allow several existing labor and health organization programs to continue to operate in the EPZs. Additionally the act prohibited strikes in the EPZs until October 31, 2013.

A 2009 amendment to the labor law affected the Chittagong and Mongla ports. Under the amendment each port can only have one trade union, which had to be organized within six months of the day of enactment of the amendment. All existing trade union bodies were to be dissolved. Only workers who had completed one year's service could be registered as members of these trade unions. The amendment also reduced the penalty for persons who violate the law. Labor activists protested the amendment, alleging that it had been intended to favor the employers, although there was no strict enforcement of the law.

The total labor force was approximately 50 million, of whom approximately 1.9 million belonged to unions, many of which were affiliated with political parties. There were approximately 4,500 garment factories employing three million workers; more than 80 percent were women. No reliable labor statistics were available for the large informal sector in which the majority (nearly 80 percent) of citizens worked.

Protests by garment factory workers were widespread, and demands for increased wages generally were met with riot police. The government arrested union leaders and filed cases against some of them for destruction of property, blocking roads, or for labor unrest, stemming from the June and December minimum wage-related protests. These cases remained unresolved as of year's end.

Labor organizers reported acts of intimidation and abuse, as well as increased scrutiny by security forces and the National Security Intelligence Agency. Sporadic, occasionally intense, labor unrest occurred throughout the country, particularly in the ready-made garment sector. Labor organizers reported frequent acts of intimidation and abuse, arbitrary lockouts, firing of employees, and increased scrutiny by

security forces. Authorities sometimes arrested labor organizers for destruction of property and other charges, in what some NGOs considered repression of labor rights activists.

In July the NGO Affairs Bureau sent a letter to the BCWS, stipulating that the center's foreign donation approval, which lapsed in 2010, would be approved only if the BCWS removed two of its leaders from the organization's registration. In 2010 BCWS leaders were arrested for alleged involvement in the violent unrest following the ready-made garment minimum wage announcement. They were released on bail after approximately four weeks in jail amid credible allegations of mistreatment, and their trial was pending at year's end. The NGO Affairs Bureau cited these cases in its correspondence, but the BCWS chose to contest the issue as the two concerned leaders had not been convicted on any charges and maintained the arrests were in retaliation for legitimate labor advocacy. In July the Ministry of Social Welfare also informed the group that they would be deregistered, based on technical lapses. Leaders for the group continue to appeal the step by the ministry, which would effectively bar activity of any kind by the organization.

Unions were highly politicized but were independent of the government and were strongest in state-owned enterprises, including jute mills, textile mills, chemical industries, and the government-run Port of Chittagong.

Implementation of the collective bargaining law's provisions was uneven, and many private sector employers discouraged union activity. In Khulna's frozen shrimp and fish sector, workers associated with several newly formed unions were terminated from several factories in an apparently coordinated manner in 2010, including entire executive committees. Labor rights NGOs assisting the new unions alleged that terminated union members continued to be unable to find work in the sector and that most of the unions had been effectively dismantled by the 2010 firings. NGOs and workers claimed employers used the promise of reinstatement to gain control of the unions. Government officials in Khulna did not conduct a credible investigation of the terminations or allegations of interference.

The director of labor is charged with ruling on union-organizing discrimination complaints, except in EPZs. However, the ministry itself is alleged to reject legitimate union applications without cause, and union activists allege that lists of union supporters are shared with enterprises by the ministry, leading to antiunion firings. The labor court can order the reinstatement of workers fired for union activities; however, due to a large backlog of unresolved cases, no workers received reinstatement orders during the year. The majority of workers in such cases, however, sought financial compensation rather than reinstatement. Increasingly, due to the long wait for legal process, labor disputes were settled informally prior to scheduled hearing dates in the labor court.

Despite the ban on strikes in the EPZs, worker unrest in the Chittagong EPZ in mid-December shut the EPZ for several days. Some labor groups welcomed the reauthorization of the industrial relations act in 2010, citing the absence of labor law in the EPZs during the lapse. Others protested its measures and pushed for full rights for unions in the EPZs.

Many workers associations in the EPZ factories were not formally registered because employees attempting to organize associations faced difficulties from some factory owners. Some factory managers strongly discouraged workers from meeting with outside labor organizations and sometimes terminated workers who did.

Federations of workers associations within the EPZs were permitted, but federations with enterprises in other EPZs or with enterprises outside EPZs were banned. The Bangladesh Export Processing Zones Authority failed to provide effective measures to allow the formation of these federations.

EPZ officials narrowly interpreted the regulations and applicable laws of the 2010 industrial relations act and claimed they were exempt from the broader labor law. Labor groups challenged this claim. Workers filed legal cases against EPZ factories that did not follow the BLA, but they remained unresolved at year's end.

b. Prohibition of Forced or Compulsory Labor.—The penal code prohibits forced or bonded labor; however, the prescribed penalty of imprisonment for up to one year or a fine was not sufficiently stringent to deter the offense, and the government did not enforce the prohibitions effectively. The BLA created inspection mechanisms to strengthen laws against forced labor, but these laws were not enforced.

Some Bangladeshi men who were recruited for work overseas with fraudulent employment offers were subsequently exploited under conditions of forced labor or debt bondage abroad.

Although relatively uncommon in urban areas, bonded labor remained common in rural areas and in domestic service. Children and adults were forced into domestic servitude and bonded labor, including restricted movement, nonpayment of wages, threats, and physical or sexual abuse. Faced with extreme poverty and unemploy-

ment, rural workers, including entire families, were engaged in bonded labor, often facing physical abuse and sometimes death. On December 23, the government promulgated an ordinance enacting the comprehensive antitrafficking law, codifying forced labor as trafficking. The new law is also intended to provide victims of forced labor with access to shelter and other protection services afforded to trafficking victims.

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.—By law every child must attend school through grade five or the age of 10 years, but there is no effective legal mechanism to enforce this provision, and child labor was widespread. The BLA regulates child employment depending on the type of work and the child's age. The law specifies penalties for child labor violations, typically nominal fines of less than 5,000 taka ($63).

The ILO estimated that seven million child workers existed and that 1.3 million worked in hazardous sectors.

During the year Services and Solutions International, a Dhaka-based research institution, found that children frequently worked in the informal sector in areas such as the road transport industry, in rickshaw pulling, automotive repair, and minibus assistance; in machine shops, salt and match factories, and tanneries; and in the manufacturing of bricks, cigarettes, dried fish, footwear, steel furniture, glass, textiles, garments, and soap. Children were engaged in the following hazardous activities: printing, fabrication, stone breaking, ship breaking, dyeing operations, blacksmith assistance, and construction. Children also worked in the service industry in hotels and restaurants. According to a 2003 government survey of urban areas, street children, mostly boys, engaged in various forms of work, such as begging, working as porters, shining shoes, collecting paper, and selling flowers. Boys and girls, often those living on the streets, were exploited in illicit activities, including smuggling and trading arms and drugs.

Children routinely performed domestic work. The government occasionally brought criminal charges against employers who abused domestic servants.

The Ministry of Labor's enforcement mechanisms were insufficient for the large, urban informal sector, and there was little enforcement of child labor legislation outside the export garment and shrimp processing sectors. Agriculture and other informal sectors that had no government oversight employed large numbers of children.

There was a child labor unit in the Ministry of Labor and Employment to coordinate planning and execution of all child-related labor interventions.

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.—For the five-year period 2007-12, the National Minimum Wage Board (NMWB) established the minimum monthly wage at 1,500 taka ($19) for all economic sectors not covered by industry-specific wages. The NMWB may convene at any time, but it must meet every five years in a tripartite forum to set wage structures and benefits industry by industry. In the garment industry, the Ministry of Labor raised the minimum wage in June 2010 from 1,662 taka ($21) per month to 3,000 taka ($38) per month; however, wages were sometimes higher than the minimum wage. Wages in the EPZs were typically higher than general national wage levels. None of the set minimum wages provided a sufficient standard of living for urban dwellers. It was common practice for garment factories to force workers to work overtime, delay their pay for months, and deny full leave benefits. According to the Welfare Monitoring Survey published by the Bangladesh Bureau of Statistics, the poverty rate was 31.9 percent.

By law a standard workday is eight hours, but workers may work 10 hours a day in certain instances. Overtime is permitted, but the employer must pay double the basic wage and interim wages for the overtime work. A standard workweek is 48 hours but can be extended up to 60 hours, subject to the payment of overtime allowances. By law the average workweek should not exceed 56 hours. Workers must have one hour of rest if they work for more than six hours a day, a half-hour of rest for more than five hours a day, and one hour's rest at intervals for more than eight hours' work in a day. Factory workers receive one day off every week. Shop workers receive one-and-one-half days off per week.

In practice these legal limits were routinely violated and enforcement of the provisions was weak. In the ready-made garment sector, employers often required workers to work 12 hours a day or more to meet export deadlines, but they did not always properly compensate workers for their time.

The BLA established occupational health and safety standards. Workers groups stated that legally established standards were sufficient, but they were rarely imple-

mented. Workers may resort to legal action for enforcement of the law's provisions, but few cases were pursued legally. Enforcement by the Labor Ministry's industrial inspectors was weak, due to the low number of labor inspectors. Inspections were unannounced, but in many cases labor groups alleged that factory owners in collusion with inspectors received advance warning. There were 95 inspectors serving nationwide, of which approximately 50 inspectors worked in the factories division. The ministry had not filled 59 vacant positions. Many workers alleged that there was systemic and endemic corruption and inefficiency among inspectors.

Safety conditions at many workplaces were extremely poor. Because of high unemployment rates and inadequate enforcement of laws, workers who demanded redress of dangerous working conditions or who refused to work under hazardous conditions risked losing their jobs.

For example, on March 10, a fire in a garment dying factory in the capital's Shyampur Industrial Area killed eight workers. According to press reports, locked doors blocked some avenues of escape and prevented the expeditious containment of the conflagration.

BHUTAN

EXECUTIVE SUMMARY

Bhutan is a democratic, constitutional monarchy whose king, Jigme Khesar Namgyel Wangchuck, is the head of state, with executive power vested in the cabinet, headed by Prime Minister Jigme Thinley. The country held its first general election for the National Assembly in 2008, and an EU election-monitoring team declared that it met international standards and was free and fair. During the year local nonpartisan elections were held, with Danish election observers reporting no significant irregularities. Security forces reported to civilian authorities.

Principal human rights problems included the regulation of religion, limitations on activities that the government viewed as undermining national identity and stability, and continued government delays in implementing a process to identify and repatriate refugees in Nepal with legitimate Bhutanese citizenship claims. One nongovernmental organization (NGO) reported some cases of human trafficking.

There were no reports of impunity for government 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.

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 prohibits such practices, but during prison visits the National Assembly's Human Rights Committee (NAHRC) said they witnessed police officials handcuffing prisoners to a pole before beating them.

Prison and Detention Center Conditions.—In July the Royal Bhutan Police (RBP) reported 1,001 prisoners in seven prisons in the country, including 32 women and 48 children. According to the police, although there are no separate prisons designated for women and children, women are held separately at detention centers and children at rehabilitation or juvenile centers. During prison visits the NAHRC observed cramped prison cells and a lack of adequate toilets, recreational facilities, or proper ventilation, lighting, electric fans, blankets, and mattresses. The committee recommended improving infrastructure and facilities; building separate prisons for men, women, and juvenile delinquents; reducing overcrowding; establishing informal education centers; and setting up health clinics.

Authorities generally allowed prisoners to observe religious practices, although there were unconfirmed reports that since July one official in Chamgang Central Jail no longer allowed Christian prisoners to conduct group prayers. According to police officials, prisoners had access to potable water and informal education and were able to elect their block representatives.

The government continued to permit the International Committee of the Red Cross (ICRC) prison visits for persons detained in relation to crimes against the security of the state. In January 2010 the ICRC visited approximately 80 detainees (mostly Nepali speaking) and conducted prison visits at Chamgang Central Jail. However, since that time the ICRC has not conducted prison visits, and at year's end it continued to await clarification from the government on the types of detainees it is allowed to access. NGOs reported that prison conditions were satisfactory over-

all, and one senior police official stated that prisoners have access to televisions. The government did not grant other international human rights groups prison access.

Visitors were allowed reasonable access to prisoners and detainees. According to the ICRC, during the year the government allowed 38 families from the refugee camps in Nepal access to their relatives in Chamgang Central Jail near Thimphu. One NGO stated that the government treated visitors fairly, assisting with transportation to and from Thimphu to the jail and providing them special accommodation.

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 RBP, which reports to the Ministry of Home and Cultural Affairs, is responsible for internal security. The Royal Bhutan Army is responsible for defending against external threats but also has responsibility for some internal security functions, including counterinsurgency operations, guarding forests, and providing security for prominent persons. The army and police have procedures in place for conducting internal investigations of alleged officer misconduct. Official courts of inquiry adjudicate the allegations. The king or a senior official makes the final determination of the outcome of a case. There were no reports that impunity was a problem.

Under the Royal Bhutan Police Act of 2009, a Police Service Board, made up of senior police personnel and a Ministry of Home and Cultural Affairs representative, investigates cases of abuse. Police officers can face criminal prosecution for human rights violations. The RBP has institutional reviews, human rights training, and accountability procedures for its personnel. The Civil and criminal procedure code (CCPC) also provides an avenue to check on any abuse of power in criminal investigations by an investigating officer of the RBP.

Arrest Procedures and Treatment While in Detention.—Under the law, police may not arrest a person without a warrant or probable cause, and in practice, police generally respected the law. According to the law, authorities must issue an immediate statement of charges and engage in reasonable efforts to inform the family of the accused. The law requires authorities to bring an arrested person before a court within 24 hours, exclusive of travel time from the place of arrest. Bail is available depending on the severity of charges and the suspect's criminal record, flight risk, and potential threat to the public. The law provides for prompt access to a lawyer provided by the state.

Amnesty.—In February the king granted amnesty to one prisoner, Nandalal Tamang, due to health conditions.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice. The Judiciary Services Act establishes the formal separation of the judiciary from the executive, setting professional standards for judges and other judicial service personnel. In practice the judiciary generally enforced the right to a fair trial. The National Judicial Commission (NJC) oversees the judiciary.

The Supreme Court oversees the interpretation and application of the constitution and serves as the highest appellate authority. The NJC nominates, and the king confirms, judges to the High Court and 20 district court justices. The king may remove, suspend, or censure judges only at the request of the NJC.

Trial Procedures.—The law stipulates that defendants must receive fair and speedy trials, and the government generally respected this right in practice. A preliminary hearing must be convened within 10 days of registration of a criminal matter with the appropriate court. Before registering any plea, courts must determine whether an accused is mentally sound and understands the consequences of entering a plea. Defendants enjoy a presumption of innocence, and cases must be proved beyond a reasonable doubt to obtain convictions. The government has prescribed a standing rule for all courts to clear all cases within a year. There is no trial by jury, as the country has an inquisitorial judicial system.

Punishments include imprisonment, probation, fines, or a requirement for restitution of loss. Defendants have the right to appeal to the High Court and may make a final appeal to the king, who traditionally delegates the decision to the Royal Advisory Council. During prison visits, the NAHRC found cases where the appeal process was not respected. Trials are generally conducted publicly. The law grants defendants and their attorneys access to state evidence. Only the court can determine if there is a need to question witnesses, after which the prosecutor and defendants are allowed to conduct cross-examinations.

Courts try criminal and civil cases under the legal code. State-appointed prosecutors for the attorney general are responsible for filing charges and prosecuting cases

for offenses against the state. In other cases relevant organizations or government departments file charges and conduct prosecutions.

Although most litigants represented themselves before the court, the law provides for the right to representation in criminal cases, including provision of counsel for defendants who cannot afford representation. The law states that defendants may choose legal representation from a list of licensed advocates, and the government promoted the use of judiciary Web sites for legal information as a means of offering self-help to defendants. There were no reports that any groups were denied the right to trial.

Political Prisoners and Detainees.—NGOs claimed there were at least 76 political prisoners in Chamgang Central Jail in Thimphu, and possibly more. Police records show 75 political prisoners who have been charged for crimes against the security of the state. Since January 2010 the government has released 11 political prisoners, including one amnesty granted by the king.

Civil Judicial Procedures and Remedies.—The CCPC governs the resolution of criminal trials and civil litigation and states that a suit may be initiated by a litigant or a member of the litigant's family. The CCPC provides for compensation to people detained or subjected to unlawful detention but later acquitted. Often, local or community leaders assist in resolving minor disputes.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution states that persons "shall not be subjected to arbitrary or unlawful interference with his or her privacy, family, home, or correspondence, nor to unlawful attacks on the person's honor and reputation," and the government generally respected these prohibitions.

The law requires citizens to adhere to a national dress code in government buildings during daylight hours, but the government allowed individuals to wear casual dress in public.

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.

Freedom of Speech.—The constitution provides for freedom of speech including for members of the press, and the government generally respected these rights in practice.

Freedom of the Press.—According to Freedom House's annual report, the media law adopted in 2006 helped to establish two independent radio stations but did not provide specific protections for journalists or guarantee freedom of information. Since 2008 the government has pushed for freedom of the press, including establishing a monthly "meet the press" between the prime minister and the press.

In a media development assessment launched by the government in August, media sources suggested that while there is commitment at the highest levels to provide the media with information, some media professionals continued to find it difficult to get access to information from bureaucrats and public officials, especially on issues of corruption and violations of the law.

Internet Freedom.—Individuals and groups generally were permitted to engage in peaceful expression of views via the Internet. Government officials stated that the government did not block access, restrict content, or censor Web sites.

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—While the constitution provides for the right to assemble peacefully, the government restricted this right. Government officials said they discouraged public protests or assemblies, as they disturb the peace and can lead to public instability. All protesters must obtain government approval before staging public demonstrations. There were reports that the government did not allow public assembly by Christian groups. NGOs reported that no demonstrations occurred during the year.

Freedom of Association.—The constitution provides for freedom of association, and the government permitted the registration of some political parties and organizations, but only those "not harmful to the peace and unity of the country." The government regarded political parties organized by Nepali-speaking refugees in refugee camps in Nepal as illegal, terrorist, and antinational in nature. The ICRC was the only international human rights monitoring group officially operating in the country. There were reports that most of the NGOs in Bhutan operated under the umbrella of the royal family. The 2007 Civil Society Organization Act requires all new NGOs to register with the government.

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, but the government limited freedom of movement and repatriation in practice.

Exile.—The law does not address forced exile, but the government forced approximately 90,000 Nepali-speaking persons to leave the country in the early 1990s, following a series of steps taken during the 1970s and 1980s to deprive the Nepali-speaking population of its citizenship. This population of 90,000 lived in refugee camps in southeastern Nepal and grew to approximately 108,000 over the years with children born in the camps. There were no reported cases of forced exile during the year. There continued to be government delays in implementing a process to identify and repatriate refugees in Nepal with legitimate claims to Bhutanese citizenship.

At year's end, of the 90,000 Bhutanese refugees, 54,995 remained in Nepal in refugee camps administered by the Office of the U.N. High Commissioner for Refugees (UNHCR), compared with 72,242 in 2010. In 2007 the government of Nepal announced resettlement of the refugees. As of December 31, 58,529 Bhutanese refugees had been resettled in foreign countries, of which 49,085 were resettled in the United States.

The government continued to criticize the UNHCR for its failure to screen individuals who entered camps in Nepal in the early 1990s to determine whether they were genuine citizens of the country. The government maintained that individuals who entered the camps before the establishment of screening and registration mechanisms were not citizens and were using the camps as a base for terrorist activities against the state.

Citizenship.—The law provides for revocation of the citizenship of any naturalized citizen who "has shown by act or speech to be disloyal in any manner whatsoever to the king, country, and people." The law permits reapplication for citizenship after a two-year probationary period. The government reissues citizenship upon successful completion of the probation period and a finding that the person in question is not responsible for any act against the government.

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.

The Central Tibetan Administration (CTA) reported that from the 1960s Bhutan had sheltered approximately 3,000 Tibetan refugees who were initially located in seven settlements in Bhutan. The Bhutan government reported that the Tibetans were integrated and that approximately 1,500 had applied for and received Bhutanese citizenship. The CTA is not allowed to have any official presence in Bhutan and could not provide social and economic assistance to Tibetans in Bhutan. The government stated that the Tibetan refugees are permitted the same access to government-provided health care and education as Bhutanese citizens. Tibetans were discouraged from voting in the CTA elections, with government officials telling Tibetans that it would make them ineligible for future Bhutanese citizenship. Many Tibetan refugees had accepted Bhutanese citizenship, and many continued to seek citizenship. Tibetan refugees were permitted to travel to India freely, but there were unconfirmed reports that some could not obtain security clearances for government jobs, enroll in higher education, or obtain licenses to run private businesses. There were also reports that the government did not provide travel documents to enable some Tibetan refugees to travel beyond India. Tibetans have access to free health care and education in the same fashion as local citizens.

Stateless Persons.—Implementation of a nationwide government census in 1985 resulted in the denationalization of many Nepali-speaking individuals within the country because land-ownership documents dated before 1958 were required to retain citizenship. The census was repeated in 1988-89 in the southern districts, and those who lost citizenship in 1985 were at that time permitted to reapply for citizenship provided they met certain conditions. The government then labeled as illegal immigrants those who could not meet the new, more stringent citizenship requirements. Beginning in 1990, under the 1985 citizenship law, the government expelled large numbers of Nepali-speaking individuals, many of whom resided in refugee camps in Nepal. According to NGOs, stateless persons remain resident in Bhutan, mainly in the south, but the number is unknown. Stateless persons cannot obtain No Objection Certificates and Security Clearance certificates, which limited access to employment, business ownership, and school attendance at higher-level institutions.

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

In 2008 the country completed a successful transition from an absolute hereditary monarchy to a constitutional monarchy with a bicameral elected parliament, marking the final step in the transition to a parliamentary democracy. The law provides limited rights for changing the government, and it provides for a separation of powers.

Elections and Political Participation.—The constitution provides the right for citizens peacefully to change their government, and citizens exercised this right in practice.

Recent Elections.—From January through July, the government held nonpartisan local elections at the district and subdistrict levels, with 1,128 candidates elected. A woman was elected to head one of 205 subdistricts in the country. A new round of local elections took place in December to fill one-quarter of the unfilled local positions (371 out of 1,499), and 304 candidates were elected.

In 2008 voters elected the country's first National Assembly, the lower house of the parliament. The ruling Druk Phensum Tshogpa (DPT) party won 45 of 47 seats. Human Rights Watch reported that the government excluded 13 percent of the Nepali-speaking population from voting because they were considered "nonnationals" in the 2005 census. International monitors reported that the elections were generally free and fair with no reports of irregularities during the election process.

Political Parties.—The constitution states that political parties shall promote national unity and shall not resort to regionalism, ethnicity, and religion to incite voters for electoral gain. Political parties are required to be broad based with cross-national membership and are not permitted to receive money or any assistance from foreign sources. During the year political parties experienced debt challenges, as they could not sustain their operations solely on membership dues. The government provides funding only for general elections.

In 2007 the government began allowing political parties to register under the terms of a draft constitution. Three parties registered with the Election Commission, which disqualified the Bhutan People's United Party (BPUP) for "failing to prove its credibility" as a national political party. The Election Commission indicated that BPUP candidates did not meet the commission's education requirements. The Election Act specifies that candidates for parliament must have earned at least a bachelor's degree to run for office. The government took no action in response to the party's appeal of the decision.

The Druk National Congress, established in 1994 by Bhutanese refugees in exile, continued to claim that the government denied independent parties the ability to operate effectively. The government regarded political parties organized by Nepali-speaking individuals living in exile in refugee camps as illegal, terrorist, and antinational in nature. These parties, which sought repatriation of refugees and democratic reforms, were unable to conduct activities inside the country.

Participation of Women and Minorities.—Women comprised 31.6 percent of civil servants. Ten members of parliament were women, including six in the National Council and four in the National Assembly. There was one woman on the High Court, and one female judge at the district court. Female parliamentarians increased from 9 percent in 2005 to 14 percent during the year.

The Election Commission reported there were 20 Nepali-speaking minorities in parliament, 15 in the National Assembly and five in the National Council. One Hindu and one Christian also served in the National Council.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. In July the government passed the Anti-Corruption Act, which is based on the U.N. Convention against Corruption, expands the Anti-Corruption Commission's (ACC) mandate to cover the private sector, and enhances the ACC's investigatory powers and functions. The government took an active role in addressing the issue through the public accounts committee in the National Assembly and the Royal Audit Authority, which monitored the use of government funds. The government's ACC is authorized to investigate cases of official corruption and allows citizens to post information on its Web site regarding corrupt practices. The ACC reportedly had a backlog of 350 complaints.

No law provides for public access to government information.

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

According to international NGOs, local civil society organizations practiced self-censorship to avoid conflict with the government, and the majority of them focused on social issues, including women's rights or environmental issues. The government regarded human rights groups established by the exiled Nepali-speaking minority as political organizations and did not permit them to operate.

U.N. and Other International Bodies.—The ICRC was the only international human rights monitoring group officially operating in the country. It did not conduct prison visits during the year.

Government Human Rights Bodies.—The Civil Society Act of Bhutan 2007 established the Civil Society Organization (CSO) Authority. The government mandated the CSO Authority to oversee the accountability and transparency of civil society operations, and various civil society organizations functioned locally and informally.

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

The constitution prohibits discrimination on the basis of race, sex, disability, language, religion, politics, or social status.

Women.—Rape and Domestic Violence.—The law contains a clear definition of criminal sexual assault and specifies penalties. In cases of rape involving minors, sentences range from five to 17 years in prison. In extreme cases, a rapist may be imprisoned for life. NGOs reported that many women did not report rape because of cultural taboos or because they were unaware of their rights. Spousal rape is illegal.

Three police stations across the country house Women and Child Protection Units to address crimes involving women and children. The law prohibits domestic violence. Penalties against offenders of domestic violence range from a jail sentence of a minimum of one month to a maximum of three years. Offenders are also fined a daily minimum national wage of 90 days. According to the Committee on the Elimination of Discrimination against Women (CEDAW), the government commissioned a report on violence against women, set up mobile police stations, trained police on gender issues, and allowed civil society groups to undertake further efforts, including the opening of a crisis and rehabilitation center. The CEDAW committee expressed concern over reports of violence against women by their spouses or other family members and at work. According to the 2010 National Statistics Bureau, 68 percent of women surveyed justified domestic violence as permissible if they forgot to cook or were not taking good care of their children.

Sexual Harassment.—The Labor Employment Act has specific provisions to address sexual harassment in the workplace. CEDAW expressed concern about the large number of reported sexual harassment cases in the workplace.

Reproductive Rights.—The country has no legal restrictions regarding the number, spacing, or timing of children, and there were no reports of coercion regarding reproduction. According to World Health Organization estimates, the maternal mortality ratio in 2008 was 200 deaths per 100,000 live births. The 2011 National Statistics Bureau report showed that 64.5 percent of births occurring between 2008 and 2010 were assisted by skilled personnel. The National Statistics Bureau reported that contraceptive use by women was 65.6 percent among married women or women in civil unions, 30.2 percent amongst women ages 15-19, and 56.5 percent of women ages 20-24.

The law covers questions related to family issues, including divorce, child custody, and inheritance. The minimum age of marriage for women is 18. Polygamy is allowed provided the first wife gives her permission. Polyandry is permitted but is rare. Marriages were arranged by the marriage partners themselves or by their parents. The law requires registration of all marriages with the government.

Discrimination.—NGOs reported that women faced little overt discrimination and had equal access to health care, education, and public services, including for HIV/AIDS treatment and services. Women were accorded respect in the traditions of most ethnic groups and participated relatively freely in the social and economic life of the country. Inheritance law provides for equal inheritance for sons and daughters, but traditional inheritance practices, which varied among ethnic groups, may be observed if the heirs choose to forgo legal challenges. Traditional inheritance laws for the majority of Buddhists stipulate that daughters inherit family land. Tradition dictates that the most capable member of the family runs the household, which often resulted in the mother or eldest daughter holding this position. Within the household, men and women were relatively equal. Employers generally paid women in unskilled jobs slightly less than men in the same positions. According to

the government's 2009 Labor Force Survey Report, 46 percent of the country's workforce was female. Dowries were not customary in the country.

The law mandates that the government take appropriate measures to eliminate all forms of discrimination and exploitation of women, including trafficking, abuse, violence, harassment, and intimidation, at work and at home, and generally the law was enforced. CEDAW expressed concerns that the constitution does not adequately define discrimination to include both direct and indirect forms and noted that the government failed to adopt implementation legislation for its international treaty obligations related to women's rights or to provide adequate resources to the National Commission on Women and Children (NCWC) to allow it to operate effectively.

The National Women's Association, a local NGO, tried to improve women's living standards and socioeconomic status, and the NGO Respect, Educate, Nurture, and Empower Women promoted and advocated for women's rights and political participation. The NCWC actively defended the rights of women and children during the year, although CEDAW questioned the limited resources of the NCWC and its potential lack of independence from government influence. One of the women's NGOs reported concerns for the increased number of young girls, some of whom were possibly underage, working in bars and discotheques.

Children.—Birth Registration.—Under the constitution, only children whose parents are both citizens become citizens at birth. According to the Bhutanese Refugee Support Group, existing citizenship laws contained inadequate provisions for a child to acquire nationality at birth, and persons who are designated as "nonnationals" are rendered essentially stateless (see section 2.d.). Births in remote areas are less likely to be registered. NGOs asserted that births of children to nonregistered Nepali-speaking individuals may not be registered.

Education.—The government provides 11 years of universal, free education to children. One of the Ministry of Education's objectives is to achieve 100 percent enrollment in primary education. The Education Ministry found that 4 to 6 percent of school-age children were not in school during the year. Education is not compulsory.

Child Abuse.—Child abuse was rare. Corporal punishment is banned in schools, and there were no reported incidents in schools and monasteries.

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 a Jewish population, and there were no reports of anti-Semitic acts.

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

Persons With Disabilities.—The law does not specifically protect the rights of citizens with disabilities, but it does direct the government to try to provide security in the "event of sickness and disability." There was no evidence of official discrimination against persons with disabilities in matters of employment, education, access to health care, or the provision of other state services. The law stipulates that new buildings must be constructed to allow access for persons with disabilities, but the government did not enforce the law consistently. Under the Disability Prevention and Rehabilitation Program, the government seeks to provide medical and vocational rehabilitation for persons with all types of disabilities, promote integration of children with disabilities into schools, and foster community awareness and social integration. The approximately 22,000 persons with physical disabilities living in the country (3.4 percent of the population according to 2005 estimates) lacked necessary infrastructure. There is no government agency specifically responsible for protecting the rights of persons with disabilities.

There were three special education institutes for students with disabilities, including the National Institute for the Disabled in Khaling, which educates visually impaired children, and an education resource unit for the hearing impaired in Paro. There were also special education facilities in Thimphu designed to meet the needs of children who have physical and mental disabilities. Although there were no government-sponsored social welfare services available for persons with disabilities, the National Pension and Provident Fund granted benefits to persons with disabilities. A new NGO, the Disabled Persons' Association of Bhutan, was formed in September to change public perception of disability and assist persons with disabilities.

*National/Racial/Ethnic Minorities.*Organizations representing exiled Nepali-speaking Bhutanese claimed that Nepali-speaking Bhutanese were subjected to discrimination and prejudice in employment, but the government stated they were proportionally represented in civil service and government jobs.

English and Dzongkha languages are the mediums of instruction taught in all schools. The Committee on the Rights of the Child expressed concern about the rights of minority children, specifically the Nepali-speaking minority, to take part in their culture, practice their religion, or use their language.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Although there are no laws that explicitly prohibit same-sex sexual activity, laws against "sodomy or any other sexual conduct that is against the order of nature" exist. Under the penal code, a person can be imprisoned for as long as one year for engaging in such acts. One government official noted that prosecution under this law is rare, as criminal intent must be proven by the prosecution. There were no reported cases of such charges.

Other Societal Violence or Discrimination.—Persons with HIV/AIDS received free medical and counseling services, and the government maintained programs meant to prevent discrimination, which nevertheless existed.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law allows workers to form workers' associations but does not allow for the formation of unions or for strikes. The law allows employees to form an association in one workplace if at least 12 employees join the association. According to a development agency, there is no national trade union in the country.

The law authorizes a workers' association to negotiate a collective bargaining agreement with employers. The 2007 Labor and Employment Act grants workers the right to pursue litigation.

The Human Rights Organization of Bhutan stated that there was a drivers' association and a tour guides' association.

b. Prohibition of Forced or Compulsory Labor.—The government prohibits forced or compulsory labor, and there were no confirmed reports that forced or compulsory labor occurred.

c. Prohibition of Child Labor and Minimum Age for Employment.—According to the law, the minimum age of employment is 18. However, the law allows for employment of children between the ages of 13 and 17 in environments that will not be harmful to their health or safety. Children younger than 18 often performed agricultural and construction work, completed chores on family farms, or worked in shops and restaurants after school and during holidays. Girls were employed primarily as domestic workers, where they were vulnerable to abuse and exploitation. UNICEF estimated that 19 percent of children between ages five and 14 were child laborers. Labor inspectors operating under the Ministry of Labor and Human Resources enforce child labor laws.

d. Acceptable Conditions of Work.—The law addresses issues such as minimum wage, sexual harassment, workers' associations, acceptable forms of child labor, and labor inspection regulations. According to civil society, the national minimum wage rate was Nu 3,000 ($67) per month, and the labor minister stated that half the country's workers earned more than the minimum wage. The workday is defined as eight hours with a one-hour lunch break, and employers must grant regular days of rest. Work in excess of this must be paid at 1.5 times the normal rate.

All citizens are entitled to free medical care. The government transported persons who could not receive adequate care in the country to other countries (usually India) for treatment. Workers are eligible for compensation in the case of partial or total disability, and in the event of death, their families were entitled to compensation. Labor regulations grant workers the right to leave work situations that endanger their health and safety.

INDIA

EXECUTIVE SUMMARY

India is a multiparty, federal, parliamentary democracy with a bicameral parliament. The president, elected by an electoral college, is the chief of state, and the prime minister is the head of the government. Under the constitution the 28 states and seven union territories have a high degree of autonomy and have primary responsibility for issues of law and order. President Pratibha Patil was elected in 2007 to a five-year term, and Manmohan Singh became prime minister for a second term following the Congress Party-led coalition's victory in the 2009 general elections,

which were considered free and fair, despite scattered instances of violence. Security forces reported to civilian authorities.

The most significant human rights problems were police and security force abuses, including extrajudicial killings, torture, and rape; widespread corruption at all levels of government; and separatist, insurgent, and societal violence.

Other human rights problems included disappearances, poor prison conditions that were frequently life threatening, arbitrary arrest and detention, and lengthy pretrial detention. The judiciary was overburdened, and court backlogs led to lengthy delays or the denial of justice. Authorities continued to infringe on citizens' privacy rights. The law in some states restricted religious conversion, and there were reports of arrests, but no reports of convictions under these laws. There were some limits on freedom of movement. Rape, domestic violence, dowry-related deaths, honor killings, sexual harassment, and discrimination against women remained serious problems. Child abuse, child marriage, and child prostitution were problems. Trafficking in persons and caste-based discrimination and violence continued, as did discrimination against indigenous persons. Discrimination against persons with HIV and discrimination and violence based on gender identity continued. Forced labor and bonded labor were widespread. Child labor, including forced and bonded child labor, also was a serious problem.

Widespread impunity at all levels of government remained a serious problem. Investigations into individual cases and legal punishment for perpetrators occurred, but in many cases a lack of accountability due to weak law enforcement, a lack of trained police, and an overburdened court system created an atmosphere of impunity.

Separatist insurgents and terrorists in Jammu and Kashmir, the Northeastern States, and the Naxalite belt committed numerous serious abuses, including killing armed forces personnel, police, government officials, and civilians. Insurgents were responsible for numerous cases of beheading, kidnapping, torture, rape, and extortion. However, the number of incidents declined considerably in the Northeast States and Jammu and Kashmir compared with the previous year.

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

a. Arbitrary or Unlawful Deprivation of Life.—There were reports that the government and its agents committed arbitrary or unlawful killings, including extrajudicial killings of suspected criminals and insurgents, especially in areas of conflict, such as Jammu and Kashmir, the Northeastern States, and the Naxalite belt (see section 1.g.). According to the Institute for Conflict Management, during the year there were 1,074 fatalities in the country—including members of the security forces, individuals classified by the government as terrorists, and civilians. This represented a decrease from 1,902 fatalities in 2010. The Ministry of Home Affairs 2010-11 report noted a downward trend in incidents of violence in Kashmir and all northeast states.

On July 2, the Jammu and Kashmir State Human Rights Commission submitted an interim report, entitled The Enquiry Report of Unmarked Graves in North Kashmir, to the state government. This report was leaked to the press in August but was not made public. According to the media, the report documented 2,156 bodies in unmarked graves at 38 different sites in districts that had been at the heart of the insurgency in the 1990s.

The Armed Forces Special Powers Act (AFSPA) remained in effect in Nagaland, Manipur, Assam, and parts of Tripura, and a version of the law was in effect in Jammu and Kashmir. Under the AFSPA the government can declare any state or union territory a "disturbed area," a declaration that allows security forces to fire on any person to "maintain law and order" and to arrest any person "against whom reasonable suspicion exists" without informing the detainee of the grounds for arrest. The law also gives security forces immunity from prosecution for acts committed under the AFSPA. There were no records available of acts committed under the AFSPA.

On September 3, the Jammu and Kashmir government claimed that only the central government had the authority to revoke the AFSPA. The state's minister for law and parliamentary affairs declared that the state government could only "recommend" the law's repeal.

Most encounter killings, in which security forces and police extrajudicially killed alleged criminals or insurgents, occurred in areas in conflict, but the practice reportedly occurred elsewhere in the country as well. For example, on August 8, Special Police Officer (SPO) Abdul Majid and territorial army soldier Noor Hussain took a mentally disabled civilian to Surankot forest in Jammu and Kashmir and then launched an operation with the police and the 25 Rashtriya Rifles unit to eliminate a "dreaded terrorist" in the area. When the bullet-riddled body was found, the SPO

said that he wanted to be a constable and the soldier requested a cash reward of 200,000 rupees ($3,790). Both were arrested and charged with murder for the fake encounter. The identity of the victim was not reported.

Despite the published recommendations of the National Human Rights Commission (NHRC) that the Criminal Investigations Department (CID) investigate all police encounter deaths, many states did not follow these guidelines and continued to conduct internal reviews only at the discretion of senior officers.

Custodial deaths, in which prisoners were killed or died in police custody, also remained a serious problem, and authorities often delayed or failed to pursue prosecutions against members of the police or security forces. The Ministry of Home Affairs (MHA) reported to parliament that there were 186 cases of custodial death due to police torture as of July 31. The MHA 2010-11 annual report stated there were 1,321 cases of custodial death reported to the NHRC by state governments from April to December 2010.

NHRC guidelines direct state governments to report to it within 48 hours all cases of deaths in police actions; however, state governments did not consistently comply with the guidelines. The armed forces were not required to report custodial deaths to the NHRC, and the commission did not have the power to investigate the armed forces.

On August 9, the Ministry of Home Affairs reported 147 police custodial deaths in 2010-11. Maharashtra had the highest number of deaths at 31, followed by Uttar Pradesh with 15. The National Crime Records Bureau (NCRB) reported 1,436 deaths in judicial custody in 2010, of which 92 were due to unnatural causes such as suicide or murder by other inmates. On March 31, Jammu and Kashmir Chief Minister Omar Abdullah informed the state legislative council that there had been 341 alleged deaths in police custody in the state since 1990.

The Special Operations Group of the Jammu and Kashmir police killed Nazim Rashid of Sopor, Kashmir, while he was in custody. Rashid died on July 30, while being held in connection with an investigation into the killing of a laborer. Chief Minister Abdullah described the killing as a "gross human rights violation" and promised "swift and exemplary action" against the three policemen involved. The state government suspended the three, charged them with murder, and ordered a magisterial inquiry into the killing. News of the death triggered protests and a heavy deployment of police, and the Central Reserve Police Force (CRPF) was ordered to prevent further violence. In addition the local government temporarily placed Opposition People's Democratic Party president Mehbooba Mufti and hardline separatist leader Syed Ali Geelani under house arrest to prevent them from visiting the town and possibly inflaming tensions.

There were reports of security forces firing upon demonstrators. In Assam civilian protesters against an eviction drive in the Guwahati hills were killed in several incidents of police firing, including four on June 22, eight on July 10, and four on October 10. West Bengal reported 104 incidents of security forces firing on demonstrators during the year, killing six civilians. On August 9 in Pune, Maharashtra, police fired into a crowd of protesting farmers blocking the Mumbai-Pune arterial roads, killing three. Police initially claimed that the demonstrators turned violent; however, a video of the incident broadcast on television clearly showed some police constables themselves throwing stones at a car and other police aiming their guns at unarmed demonstrators. The Maharashtra government suspended two police officers for the shooting and six police constables for damaging the car. The government ordered the judicial magistrate to probe the incident; the probe was not completed by year's end.

The government made some movement in holding police and security officials accountable for killings committed during the Delhi anti-Sikh violence of 1984. On July 19, the Supreme Court refused the petition of senior Congress Party leader Sajjan Kumar, who had challenged the initiation of criminal proceedings against him, allowing the trial to proceed.

The Border Security Force (BSF) was responsible for deaths along the Indo-Bangladesh border. The BSF usually explained these killings by claiming that those killed were evading arrest or that security force members had to fire in self-defense. In March the BSF signed an agreement with the Bangladesh Border Guards (BBG) to use nonlethal weapons, and in May, the government issued such weapons (e.g., pump-action guns) to the BSF. On July 30, Home Minister P. Chidambaram announced at a conference held in Bangladesh that the BSF had been ordered not to shoot anyone crossing the Indo-Bangladesh border and that the BSF would only fire in self defense. There were reports that the BBG engaged in shootings along the border as well.

According to the nongovernmental organization (NGO) Odhikar, during the year the BSF killed 31 Bangladeshi nationals, injured 61, and abducted 23, marking a

decrease in fatalities and injuries from the previous year. Human Rights Watch (HRW) reported that the BSF killed 74, injured 72, and kidnapped 43 Bangladeshis in 2010.

For example, on January 7, the BSF killed a 15-year-old Bangladeshi girl, Felani Khatun. Newspapers published pictures of her body dangling from the barbed wire fence along the border. Felani and her father were reportedly on their way home from New Delhi, attempting to cross the fence using makeshift ladders.

There were developments in the July 2010 killing of Amit Jethwa, a Right to Information (RTI) Act activist. The Gujarat High Court ordered further investigation to determine the alleged involvement of Dinu Solanki, a Bharatiya Janata Party Member of Parliament from Junagadh. On November 29, the court gave a two-month extension to submit its final report on the murder investigation; the report must be submitted by January 29, 2012. The victim's father demanded a probe by the Central Bureau of Investigation (CBI).

Nongovernmental forces committed numerous killings, especially in areas of conflict, such as Jammu and Kashmir, the Northeastern States, and the Naxalite belt (see section 1.g.).

According to the South Asian Terrorism Portal, terrorist attacks resulted in 1,042 deaths during the year.

b. Disappearance.—There were reports that police throughout the country failed to file required arrest reports for detained persons, resulting in hundreds of unresolved and unreported disappearances. Police and government officials typically denied these claims. The central government reported that state government screening committees that determined which detainees were eligible for release provided information about detainees to their families, but credible sources stated that families often needed to bribe prison guards to confirm the detention of their relatives.

Disappearances attributed to government forces occurred in areas of conflict during the year (see section 1.g.).

In May the ruling Communist Party in West Bengal was defeated after 34 years in power. Since June police discovered 17 skeletal remains in the district of West Midnapore, and DNA tests confirmed several were workers from the former opposition party, Trinamool Congress, missing since 2002. A senior minister who was in power when the disappearances occurred was jailed for his alleged involvement in some of the killings.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture, but many NGOs alleged that such practices were common, especially in areas of conflict (see section 1.g.). For example, on March 24, newspapers reported that the CBI took four Kerala policemen into custody in connection with the custodial death of Sampath, allegedly due to torture. Sampath, who died in March 2010, was accused of orchestrating the murder of the wife of a leading Kerala businessman. Authorities suspended 14 other police officers shortly after the death. On May 25, Sampath's brother filed a court plea alleging that the police department was sabotaging the investigation.

In December 2010 parliament passed the Prevention of Torture Bill 2010; however, NGOs remained concerned about the law's requirement that complaints regarding torture be made within six months and that previous sanctions by appropriate government bodies must be sought before a court is empowered to consider a complaint. There is no independent agency to receive torture complaints or conduct prompt investigations outside of the already overburdened legal system.

The law generally does not permit authorities to admit into evidence confessions that have been coerced, but NGOs and citizens alleged that authorities used torture to coerce confessions, which in some instances were submitted as evidentiary support for death sentences. Authorities allegedly also used torture to extort money or as summary punishment.

There were some reports that police raped women, including while in police custody, but in nearly all reported cases authorities took action against those who committed the abuse. For example, on June 10, three police officers in a police station in Uttar Pradesh sexually assaulted and killed a 14-year-old girl named Sonam. Within hours of the crime, authorities suspended 11 police officers, including the officer in charge of the police station, and later arrested two of them, one of whom was charged with murder and the other with destruction of evidence. The investigation continued at year's end.

On September 29, a court found 17 police and forest officials guilty of raping 18 lower-caste women during a 1992 raid on Vachathi village in Tamil Nadu state. They were sentenced to two to 10 years in prison.

NGOs claimed that the NHRC underestimated the number of rapes that police committed. Due to the lack of oversight and accountability, some rape victims, espe-

cially if the perpetrator was a police officer or other official, were unlikely to come forward and report the crime due to the victims' feelings of shame and fears of retribution. Many of the reported rapes by security forces occurred in relation to internal conflicts and insurgencies (see section 1.g.).

Prison and Detention Center Conditions.—Prison conditions were frequently life-threatening and did not meet international standards. Prisons were severely overcrowded, and food, medical care, sanitation, and environmental conditions were often inadequate. Potable water was only sometimes available.

According to the NCRB Prison Statistics India 2010 report, the jail population was 368, 998, and there were 1,393 prisons in the country with an authorized capacity of 320,450 persons. Persons awaiting trial accounted for two-thirds of the prison population. There were 15,037 female prisoners, approximately 4 percent of the total prison population, while juveniles were less than 1 percent. Men and women were held separately. The law requires juveniles to be detained in rehabilitative facilities, although at times they were detained in prison, especially in rural areas. Large numbers of pretrial detainees were held with convicted prisoners.

Prisoners were permitted reasonable access to visitors, although some family members stated that they were denied access to relatives held in detention, particularly in areas of conflict, including Jammu and Kashmir. Prisoners have the right to engage in religious observances, and in most cases that right was respected in practice. The government allowed some NGOs to provide assistance to prisoners, within specific guidelines.

Investigations of prisoner complaints were within the purview of the NHRC, which received and investigated prisoner complaints of human right violations throughout the year, but some activists indicated that many complaints were not filed due to fear of retribution from prison guards or officials. Most investigation findings and NHRC recommendations were published on the NHRC Web site; however, there were allegations by NGOs that investigations and recommendations dealing with controversial issues were not disclosed. State and national human rights commissions can receive complaints on behalf of prisoners but have only recommendatory power.

Most state governments permitted prison monitoring by independent groups, such as the International Committee of the Red Cross (ICRC) and the NHRC, but the states of Manipur and Nagaland required visitors to obtain special permits. In many states the NHRC made surprise visits to state prisons but not to military detention centers. The NHRC lacks jurisdiction over the armed forces and their detention centers.

In 2010 the ICRC visited 784 detainees and interviewed 577 individually during 37 visits to 24 detention centers. The ICRC did not ask to visit interrogation or transit centers in the northeastern states of Manipur, Mizoram, and Nagaland. NGOs' observations of prison conditions often remained confidential due to agreements with the government.

The NHRC had a special rapporteur to ensure that state prison authorities performed medical checkups on all inmates. The rapporteur visited prisons on a regular basis throughout the year. The National Commission of Women continued visiting jails during the year to assess the living conditions of women.

The MHA acknowledged in its 2009-10 annual report that prisons were overcrowded and required repairs and renovations, including improvements in sanitation and water supply. During the year the central government began implementing a plan to modernize the prisons. According to the MHA 2009-10 annual report, the plan had been implemented in 27 states and resulted in the construction of 99 new jails and 1,365 additional barracks in existing prisons. The government's Modernization of Prisons scheme has allotted 1,800 crore (approximately $390 million) to construct new jails, reduce overcrowding, and improve water and sanitation in prisons, but most states were not able to meet the targets.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, but both occurred during the year. Police also used special security laws to delay judicial review of arrests. Pretrial detention was arbitrarily lengthy and sometimes exceeded the sentence given.

A February 2011 HRW report, Anti-Nationals: Arbitrary Detention and Torture of Terrorism Suspects in India, stated that police responded to incidents of terrorism with arbitrary detention, torture, and mistreatment of suspects in an effort to obtain confessions, and in several cases confessions appeared to be drafted by the police themselves. Police held numerous suspects for days or weeks without registering their arrests; many suspects alleged that they were denied proper food and water. The report stated that the country's counterterrorism units were undertrained, underfunded, and understaffed and cited the failure of domestic mechanisms of accountability as a key factor contributing to the abuse of terrorism suspects.

Role of the Police and Security Apparatus.—Although the central government provides guidance and support, the 28 states and seven union territories have primary responsibility for maintaining law and order. The MHA controls most paramilitary forces, the internal intelligence bureaus, and the nationwide police service, and it provides training for senior police officers of the state-organized police forces. According to HRW, cases of arbitrary arrest, torture, and forced confessions by security forces were common. Several laws, including part of the criminal procedure code and the AFSPA, were used to provide legal protection for members of security forces who violated human rights.

The effectiveness of law enforcement and security forces varied widely throughout the country. Officers at all levels acted with impunity, and officials rarely held them accountable for illegal actions. Military courts investigated cases of abuse by security officials; cases against law enforcement officers are tried in public courts. When a court found an officer guilty of a crime, the punishment often was a transfer. The central and state governments took actions to reform the security forces.

According to the MHA's most recent annual report (2010-11), citizens in Jammu and Kashmir filed 211 reports of human rights violations against army and central paramilitary personnel. Authorities investigated 208 cases, found 161 false, and judged 47 genuine. The military imposed penalties in the cases that were found to be genuine. The MHA also reported 65,827 cases were registered with the NHRC. A total of 62,551 cases were resolved, including cases brought forward from previous years, and 5,673 cases were transferred to state human rights commissions for resolution. Interim relief payments were made in 269 cases.

Arrest Procedures and Treatment While in Detention.—Arbitrary Arrest: The code of criminal procedure prohibits arbitrary arrest or detention, but police continued to arbitrarily arrest citizens. In practice police picked up individuals for custodial interrogation without identifying themselves properly or providing arrest warrants.

Pretrial Detention.—Those detained on criminal charges must be informed promptly of the charges against them and of their rights to legal counsel. Under the code a magistrate may authorize the precharge detention of an accused person for a period of no more than 90 days. Under the regular criminal procedure, the accused must be released on bail after 90 days. The code also allows police to summon individuals for questioning, but it does not provide authority for police to involuntarily detain individuals for questioning before placing them under arrest. There were incidents in which authorities manipulated the law to detain suspects beyond the legal limit for police custody.

There were cases in which police denied suspects the right to meet with their legal counsel, as well as cases in which police unlawfully monitored suspects' conversations and denied their right to confidentiality. The constitution mandates free legal aid to the poor and weaker sections of society; however, need is not assessed systematically. By law authorities must allow family members access to detainees. In practice authorities granted access only occasionally. Arraignment of detainees must occur within 24 hours, unless the suspect is held under a preventive detention law.

The Unlawful Activities Prevention Act (UAPA) gives authorities the ability to detain persons without charge in cases where insurgency or terrorism is suspected. Under the law police can detain an individual without charge for up to 30 days. The law also permits authorities to hold a detainee in judicial custody without charge for up to 180 days (including the 30 days in police custody). The UAPA also denies bail for foreigners and makes it easier for courts to deny bail in the case of detained citizens. It presumes the accused to be guilty if the prosecution can produce certain incriminating evidence against the accused, such as the possession of arms or explosives or the presence of fingerprints at the crime scene, regardless of whether criminal intent exists.

State governments also held persons without bail for extended periods before filing formal charges under the UAPA. Alleged Naxalite sympathizer Arun Ferreira was arrested under UAPA in 2007, acquitted in 2009 on one of the cases, released on September 27, but immediately rearrested on other charges.

In 2004 the government repealed the Prevention of Terrorism Act (POTA), which created special courts, allowed the identity of witnesses to be withheld, and allowed admission into evidence of custodial confessions. By law, however, persons arrested under a prior law continue to be prosecuted under that law even after its repeal. There were conflicting reports during the year of how many persons remained detained under POTA.

In 1995 the Terrorist and Disruptive Activities (Prevention) Act was allowed to lapse. Despite its lapse, on March 15, the MHA informed parliament that under the law, 148 persons were convicted; 103 were given life imprisonment, one received the

death sentence, five were released after serving 14 years in prison and for good conduct, and seven applications for release were pending. The remainder, convicted under the TADA, remained in jail.

At the end of 2010, 85 Muslims detained in the 2002 Godhra train-burning case remained in jail in Gujarat under POTA, despite a 2005 POTA review committee ruling that POTA did not apply to them, a 2008 ruling by the Supreme Court granting their release, and a Gujarat high court ruling in 2009 that POTA charges did not apply to the accused and that they should be granted bail. Of the original 134 persons accused, 104 were charged formally. Of the 104, five died of natural causes, and 14 were released on bail. The trial in Gujarat concluded in 2010, but the judgment was not immediately released pending the Supreme Court's authorization to the special court to announce the verdict.

On February 22, the special court in Ahmedabad, Gujarat, convicted 31 persons for the burning of the train. On March 1, 11 persons received the death penalty and 20 were sentenced to life imprisonment. Those convicted appealed the ruling in the Gujarat High Court, and the Gujarat government filed a petition demanding the death penalty for all 31 persons. The Gujarat High Court did not pronounce judgment on the petitions by the convicts or the Gujarat government by year's end.

The National Security Act (NSA) allows police to detain persons considered security risks anywhere in the country, except Jammu and Kashmir, without charge or trial for as long as one year. The law stipulates that family members and lawyers can visit NSA detainees and that authorities must inform a detainee of the grounds for detention within five days (10 to 15 days in exceptional circumstances). In practice these rights sometimes were not enforced.

The Public Safety Act, which applies only in Jammu and Kashmir, permits state authorities to detain persons without charge or judicial review for as long as two years. During this time family members do not have access to detainees. Detainees are allowed access to a lawyer during interrogation. In practice police in Jammu and Kashmir routinely employed arbitrary detention and denied detainees, particularly the destitute, access to lawyers and medical attention.

In 2005 the Chhattisgarh state government enacted the Special Public Security Act (SPSA), which permits detention for as long as three years for loosely defined unlawful activities. Human rights groups voiced concerns that the law criminalizes any support given to Naxalites (Maoists), even support provided under duress.

On April 18, Binayak Sen was released from Raipur Central Jail three days after the Supreme Court granted him bail, striking down charges of sedition. Sen, a human rights activist and physician with the People's Union of Civil Liberties, was arrested in 2007 for alleged links with the Maoists and in December 2010 was sentenced to life imprisonment under the SPSA on the charge of sedition.

In many states police made "preventive arrests" in the name of curbing public unrest. For example, in Delhi, on August 16, police preventively arrested social activist Anna Hazare, along with key aides Arvind Kejriwal, Kiran Bedi, and Manish Sisodia, ahead of Hazare's proposed fast against corruption. Hazare was released 12 hours later but refused to leave Tihar Jail until the government agreed to allow him to carry out his fast at the location of his choice.

Arbitrarily lengthy detention was a major problem as a result of overburdened court systems and lack of sufficient safeguards and oversight of the law. On August 7, Man Singh was released after 32 years of waiting for retrial, when the Supreme Court rejected the Uttar Pradesh government's plea for a fresh trial. Singh was arrested in 1979 for allegedly possessing half a bottle of illicit liquor and was convicted and sentenced to one year's imprisonment, which he appealed.

The government continued efforts to reduce lengthy detention and alleviate prison overcrowding by using "fast-track" courts, which specify a trial date or timeline, provide directions for case management, and encourage use of bail. Critics contended that poor detainees were unable to make bail and would remain in detention. As of March 3, there were 1,281 functional fast-track courts across the country, which resolved at least 306,228 cases during 2010.

On August 28, Jammu and Kashmir Chief Minister Abdullah granted a general amnesty to more than 1, 200 persons arrested for throwing stones during 2010 protests.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the government generally respected judicial independence in practice, although citizens reported that judicial corruption was widespread.

The legal system was seriously overburdened and lacked modern case management systems, often delaying or denying justice. On August 1, the Ministry of Law and Justice announced that there were 4,217,903 cases pending in the country's high courts, and 27,953,070 cases pending in subordinate courts, as of September 2010. As of April 1, nearly one-third of the sanctioned judges' positions in the coun-

try's 21 high courts were vacant. At the end of June, there were 57,179 cases pending in the Supreme Court. In 2010 one official estimated that the courts would require more than 320 years to clear the case backlog.

Many citizens reported that they offered bribes to move cases through the court system. In 2010 the minister of law Veerappa Moily reported that the average time for a case to work its way through the court was 15 years. On July 2, Moily announced the launch of the Mission Mode Programme, a nationwide program to reduce the number of pending cases by 40 percent between July 1 and December 31.

There were allegations of bias in cases stemming from the 2002 Gujarat violence (see section 6, Other Societal Violence or Discrimination).

Trial Procedures.—The criminal procedure code provides for public trials, except in proceedings that involve official secrets, trials in which someone might make statements prejudicial to the safety of the state, or under provisions of special security legislation. Defendants enjoy the presumption of innocence and can choose their counsel. The state provides free legal counsel to indigent defendants, but in practice access to competent counsel often was limited, especially for the poor, and the overburdened justice system usually resulted in major delays in court cases.

The law allows defendants access to relevant government evidence in most civil and criminal cases; the government reserved the right to withhold information and did so in cases it considered sensitive. While defendants have the legal right to question witnesses against them, in practice underprivileged defendants sometimes did not enjoy this right. Courts must announce sentences publicly, and there are effective channels for appeal at most levels of the judicial system.

Courts in Jammu and Kashmir often were reluctant to hear cases involving insurgent and terrorist crimes and failed to act expeditiously, if at all, on habeas corpus cases. According to a study by the South Asia Forum for Human Rights and the Centre for Law and Development, thousands of habeas corpus cases were pending in the courts throughout the Kashmir valley.

Political Prisoners and Detainees.—There were reports of political prisoners and detainees in the country. NGOs reported that the Jammu and Kashmir government held political prisoners and also temporarily detained hundreds of persons characterized as terrorists, insurgents, and separatists. On August 24, the Jammu and Kashmir government announced the release of 12 political detainees.

During the year the newly elected state government in West Bengal announced the names of 267 prisoners it proposed to grant general amnesty; of these, 83 persons, including some charged under the UAPA for their links with Maoists, were accorded the status of political prisoner. On July 21, Kolkata Chief Minister Mamata Banerjee announced the release of 52 political prisoners, including two Maoist leaders and several members of the Gorkha Liberation Organization. As of the end of September, only six persons had been released.

Kartam Joga, an indigenous political activist, arrested in September 2010, remained imprisoned in Chhattisgarh on charges of collaborating with Maoists in ambushing and killing 76 CRPF personnel on April 6; murdering Budhram Sodi, a leader of the ruling Bharatiya Janata Party, in May; and killing the father of a special police officer attached to the CRPF in August 2010. Civil society activists claimed that Joga was arrested only because he was one of the petitioners who challenged the state-sponsored militia Salwa Judum operations sponsored by the Chhattisgarh government against Maoists, which the Supreme Court has declared unconstitutional. At year's end Joga remained in prison.

Civil Judicial Procedures and Remedies.—Individuals or NGOs can file public interest litigation (PIL) petitions in any high court or directly in the Supreme Court to seek judicial redress of public injury. These injuries could have been a result of a breach of public duty by a government agent or as a result of a violation of a provision of the constitution. NGOs credited PIL petitions for making government officials accountable to civil society organizations in cases involving allegations of corruption and partiality.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits arbitrary interference, and the government generally respected these laws in practice; however, at times authorities infringed upon the right to privacy. Police are required to obtain warrants to conduct searches and seizures, except in cases in which such actions would cause undue delay. Police must justify warrantless searches in writing to the nearest magistrate with jurisdiction over the offense. In Jammu and Kashmir, Punjab, and Manipur, authorities have special powers to search and arrest without a warrant, and in terrorism cases under the UAPA, police are provided greater discretion to conduct search and seizure operations.

The Information Technology Act allows police under certain circumstances to search premises and arrest individuals without a warrant. The act specifies a one-

year sentence for persons who fail to provide information to the government on request and a five-year sentence for transmitting "lascivious" material.

The Telegraph Act authorizes the surveillance of communications, including monitoring telephone conversations and intercepting personal mail in cases of public emergency or "in the interest of the public safety or tranquility." The central government and state governments used these surveillance techniques during the year.

Although the Telegraph Act gives police the power to intercept telephone conversations, that evidence is generally inadmissible in court. The UAPA allows use of evidence obtained from intercepted communications in terrorist cases.

Research in Motion (RIM), the maker of BlackBerry devices, was warned in 2010 by the Department of Telecommunications and the country's security agencies that unlimited government access to BlackBerry e-mails, text messages, and other communications in real time was required and that failure to comply would result in a government ban of BlackBerry services. In January RIM announced that it had provided the government with access to basic BlackBerry Messenger and BlackBerry Internet Service e-mail.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—During the year the country's armed forces, individual states' security forces, and paramilitary forces continued to engage in armed conflict with insurgent groups in Jammu and Kashmir, several northeastern states, and the Naxalite belt in the central and eastern parts of the country. There was considerably less violence in Jammu and Kashmir than in previous years. Although army and central and state paramilitary forces remained deployed in some states of the northeast and in West Bengal's Naxalite belt, by year's end most of the northeast insurgent groups were involved in peace negotiations with the central government.

All parties to the conflicts used excessive force on occasion, killing and injuring conflict participants and civilians. The central and state governments and the armed forces investigated complaints and punished human rights violations committed by their own forces, and they arrested and tried insurgents under terrorism-related legislation. Investigations and prosecutions into human rights violations, however, were slow and few in number. For example, NGOs in Manipur alleged that prosecutions were slow and followed the letter of the law rather than its spirit.

On July 2, the Jammu and Kashmir State Human Rights Commission submitted an interim report, entitled The Enquiry Report of Unmarked Graves in North Kashmir, to the state government. This report was leaked to the press in August and was not made public. According to the media, the report documented 2,156 bodies in unmarked graves at 38 different sites in districts that had been at the heart of the insurgency in the 1990s. The report marked the first time that a state body confirmed allegations previously made by other human rights organizations against the security forces that some of the bodies in the graves were of civilians and not insurgents.

In Naxalite (Maoist) affected districts, there were reports of excessive use of force by security agencies. For example, in the Dantewada district of Chhattisgarh, Koya Commandos, an armed wing of 'tribals"—an indigenous group operating with the state government's approval as SPOs—and CRPF personnel attacked three villages between March 11 and March 16 in search of Maoists. Civil society activists reported that three tribal members were killed and three women were sexually assaulted. The security forces also burned approximately 300 tribal homes. Initially the Chhattisgarh government refused to order a probe into the incident and transferred a top government official in Dantewada who tried to send relief material to the villagers. Human rights activist Swami Agnivesh and journalists who attempted to visit the villages were attacked by SPOs. After severe criticism in the media and a protest by human rights activists, the government responded by transferring a police officer involved in the attack on Agnivesh and ordered a judicial probe. On July 5, unsatisfied by the judicial probe and affidavits filed by the Chhattisgarh government, the Supreme Court ordered the CBI to probe the incident. The CBI did not complete the probe by year's end.

There was no evidence that insurgent forces made attempts to prevent or punish human rights violations by their members.

There were no reports of deliberate attacks on government hospitals, primary health centers, workers, ambulances, or patients, nor were there restrictions on accessing medical facilities in the Naxal areas of Chattisgarh and Maharashtra. However, there were recorded attacks and explosions at schools, roads and railways tracks. There were no attacks on medical services or Below Poverty Line ration shops.

Killings.—According to the SATP database, total terrorism/insurgency related fatalities continued to decrease from the previous year. For example, as of December

18, 234 persons (78 civilians, 35 security personnel, and 121 insurgents) were killed in the northeast, compared with 323 deaths in 2010. There were reports that government security forces committed extrajudicial killings of persons in custody, including staging encounter killings to cover up the deaths of captured militants. Human rights groups claimed that police refused to turn over bodies in cases of suspected staged encounters. In 2002 the Supreme Court ordered the central government and local authorities to conduct regular checks on police stations to monitor custodial violence, but government officials often failed to comply with the order. The armed forces are not required to report custodial deaths to the NHRC.

On February 6, the army apologized to the citizens of Jammu and Kashmir for the fake encounter death of Manzoor Ahmad Magray. The army ordered a probe of its own, while Kashmir police registered a case against soldiers of the 4th Parachute Regiment. A magisterial inquiry also was ordered.

The Institute for Conflict Management reported that as of September 25, there were 153 fatalities in Jammu and Kashmir, including 98 alleged terrorists, 23 members of the security forces, and 32 civilians.

The SATP database reported that during the year 480 persons—including 182 militants, 99 security force personnel, and 199 civilians—were killed as a result of Naxalite (Maoist) violence, a decrease from 2010, when 212 militants, 250 security force personnel, and 528 civilians were killed.

Insurgents in the three conflict zones also committed killings during the year. In Chhattisgarh Maoists continued to attack security forces and civilians, killing 13 CRPF personnel in Dantewada District on June 10 and 12. On August 19, Maoists killed 11 policemen and one civilian in Bijapur District. In Assam there were six incidents during the year of bomb explosions, although no deaths were reported. One explosion, in Kamrup (Rural) District, engineered by the Adivasi People's Army, injured 100 persons.

On January 7, in Netai Village, part of West Bengal's Maoist-dominated West Midnapore District, nine persons died when armed Communist Party of India (Marxist) (CPI-M) workers fired at 2,000 villagers gathering around the house of a CPI-M party leader. This was the bloodiest incident in West Bengal since March 2007, when police killed 14 villagers in Nandigram. The CBI investigated and charged several local and district CPI-M leaders. In response to allegations of Maoist involvement in the incident, the Maoist-backed People's Committee Against Police Atrocities spokesman argued that the villagers organized themselves to destroy the "harmad" (armed goons) camps, something the administration failed to do.

On July 29, Mohammed Ajmal Amir Kasab, the lone Lashkar-e-Taiba (LeT) terrorist captured alive from the 2008 terrorist attacks in Mumbai, appealed his death penalty sentence in the Supreme Court. On February 21, the Mumbai High Court upheld the death penalty sentence given by the Mumbai fast-track court in May 2010. The Supreme Court did not pronounce a verdict on Kasab's appeal by year's end.

On November 24, joint central and state police forces killed senior Maoist leader Koteswhar Rao, popularly called "Kishenji," in a firefight. Maoist sympathizers and some human rights activists called for an investigation, alleging police shot Rao in cold blood and staged the "encounter." On November 28, the NHRC announced it would investigate the killing.

Abductions.—Human rights groups maintained that military, paramilitary, and insurgent forces abducted numerous persons in Jammu and Kashmir, the Northeastern States of Manipur and Jharkhand, and the Naxalite belt. Human rights activists feared that some of the unacknowledged prisoners were tortured and/or killed during detention.

Estimates of the number of missing persons varied. Human rights organizations stated there were 8,000 to 10,000 persons missing but in custody in Jammu and Kashmir.

During the year there were no verifiable, documented disappearance cases involving security forces or police.

On August 6, the NHRC closed the case of Leimakhujam Kokulo Singh, who was arrested in August 2010 by personnel from the 12 Maratha Light Infantry. Kukulo was arrested, charged under the Unlawful Activities (Prevention) Act, and remained in jail for more than five months until he was released on bail in February.

Naxalites abducted individuals during the year. For example, on February 16, a group of 50 Naxals in Orissa kidnapped Indian Administrative Services officer RV Krishna and junior engineer Pabitra Majhi. They were released on February 24, after the Orissa government accepted the Naxalites' demands.

Abductions.—There were reports that government security forces tortured, raped, and mistreated insurgents and alleged terrorists in custody and injured demonstrators. All parties to the conflicts injured civilians on occasion.

In August Prashant Rahi was released on bail after more than 3 and one-half years in Uttarakhand jails. Rahi, an engineering student at Banaras Hindu University, was accused of being a Naxal (Maoist). He alleged that he was stripped and beaten and had spent most of his time in solitary confinement while imprisoned.

There was no report of significant violence against out-of-state migrants by the regional political party Maharashtra Navnirman Sena (MNS). Investigations into the violent incidents perpetrated by MNS members in February 2009 and 2008 continued, and MNS activists remained out on bail.

Child Soldiers.—There were no credible reports that any government security forces used child soldiers during the year; however, insurgent groups reportedly used child soldiers. For example, there were media reports of teenage Maoist rebels involved in a July 20 attack on Congress Party politician Nandkumar Patel in Raipur District, Chhattisgarh. On September 5, the Hindustan Times, a national newspaper, reported that teachers in government schools in Chhattisgarh complained that Maoists were pressuring them to "inspire" students with Maoist ideology so that they could be recruited into the children's division of Maoist rebels. The U.N. 2011 Children and Armed Conflict report noted the absence of reliable data, but the Indian National Commission for the Protection of Child Rights, in a March 2010 policy document, noted the recruitment and use of children by both Naxalites and Salwa Judum.

Other Conflict-related Abuses.—The conflicts in Jammu and Kashmir, the Northeastern States, and the Naxalite belt have displaced an estimated 621,000 persons; most remained without permanent homes during the year.

In the Kashmir Valley region, from 1990 onwards, Islamist militants threatened, abducted, and killed Pandits and demanded that they leave. Tens of thousands of Kashmiri Pandits fled to Jammu, Delhi, and other areas in the country because of conflict between the army and Muslim insurgents. According to the MHA's 2010-11 annual report, there were 58,697 Kashmiri Pandit migrant families, of which 38,119 resided in Jammu, 19,338 in Delhi, and 1,240 in other states and territories. The governments of Jammu and Kashmir, the National Capital Territory of Delhi, and other states and territories provided aid to resident Kashmiri Pandit displaced families. The MHA annual report stated that 4,621 applications from Kashmiri migrants were received by the Jammu and Kashmir state government, and the state government created 3,000 posts for unemployed Kashmiri migrant youth.

In the northeast violence between communal groups in the states of Assam, Manipur, and Mizoram displaced an unknown number of persons during the year, and more than 227,000 internally displaced persons (IDPs) remained from previous incidents of communal violence dating back to 1993. According to official Tripura State records, there were 36,000 Bru (Reangs) IDPs from Mizoram (media reports put the figure at 41,000). Phased repatriation of Brus began in November 2010 and after nine phases, 4,655 persons (890 families) had returned to Mizoram as of April. The Mizoram government administered a central government-funded program in which each repatriated family received 95,000 rupees ($1,800) for house construction, farming assistance, and free rations for a period of 12 months.

In central and eastern India, armed conflicts between Naxalite (Maoist) insurgents and government security forces over land and mineral resources in tribal forest areas continued, affecting182 of the country's 626 districts in 20 of its 28 states. Most of the conflict areas overlap with the Dandakaranya forest, which covers parts of West Bengal, Jharkhand, Orissa, Chhattisgarh, Andhra Pradesh, and Maharashtra. The forest also has large deposits of mineral resources, such as bauxite, iron ore, and uranium, and is home to millions of tribal persons. The Ministry of Rural Development in 2009 estimated that up to 400,000 persons had been displaced since the conflict began. During the year "Operation Green Hunt," the government's initiative against Naxalites in Chhattisgarh, Jharkhand, Orissa, and West Bengal, continued. Human rights advocates argued that the operation sought not only to suppress the Naxalites but also to force these tribal persons off their land, allowing for commercial development.

IDP camps that opened in Chhattisgarh for displaced tribal persons caught in fighting between Naxalites and the Salwa Judum in 2006 continued to operate. On July 5, the Supreme Court pronounced the state-sponsored militia Salwa Judum "illegal and unconstitutional" and directed the government of Chhattisgarh to disband the operation. In addition the court asked Chhattisgarh to immediately cease and desist from using as SPOs tribal persons who had been chosen from Salwa Judum camps against Naxalites in the state, and to recall all firearms issued to SPOs. The

Chhattisgarh government was ordered to stop issuing funds in support of SPO recruitment. Following the July 5 judgment, the Chhattisgarh government claimed to have disbanded the Salwa Judum. By September approximately 50,000 tribal persons displaced by the Salwa Judum had returned to their villages. Approximately 15,000 tribal persons remained in 15 Salwa Judum camps.

Some sources alleged that both Naxalites and Salwa Judum activists armed displaced children, but there was a lack of reliable data. Police acknowledged that some displaced minors may have been armed unintentionally as special police officers but stated that police dismissed minors upon learning their ages. NGOs alleged that hundreds of Chhattisgarh IDPs settled in forest reserve areas in Andhra Pradesh were denied basic assistance, including food, water, shelter, medical facilities, and sanitation. Little was known about the population or living conditions in the area.

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 expression, but it does not explicitly mention freedom of the press. The government generally respected these rights in practice.

Freedom of Speech.—Individuals generally could criticize the government publicly or privately without reprisal.

During the year law enforcement authorities continued investigating writer and activist Arundhati Roy and four others for sedition regarding public comments they made about the status of Jammu and Kashmir. Authorities directed police to file a status report by October 29. At year's end Roy was still facing possible arrest.

Freedom of the Press.—The independent media were active and expressed a wide variety of views without restriction. Independent newspapers and magazines were regularly published and television channels broadcast investigative reports, including allegations of government wrongdoing. The media generally promoted human rights and criticized perceived government violations. AM radio broadcasting remained a government monopoly. Private FM radio station ownership was legal, but licenses authorized only entertainment and educational content. With the exception of radio, foreign media generally operated freely. Widely distributed private satellite television provided competition for Doordarshan, the government-owned television network. There were allegations that the government network manipulated the news. Some privately owned satellite channels promoted the platforms of political parties that their owners supported.

On August 2, the Ministry of Information and Broadcasting told parliament that 25 foreign channels, mostly from Pakistan, were banned for causing "a security threat." On August 9, the ministry informed parliament that 732 televisions channels were permitted and that 368 proposals for new channels were under review.

Violence and Harassment.—There were reports that journalists experienced violence and harassment as a result of their reporting during the year; however, on August 3, the MHA informed parliament that the central government did not maintain a record of media personnel attacked in the country.

On June 27, Uttar Pradesh police detained Shalabh Mani Tripathi, Uttar Pradesh bureau chief of IBN7, a Hindi news channel, with his assistant and allegedly beat him. The reporter claimed that he was attacked for reporting on the alleged murder of the chief medical officer of Uttar Pradesh, AK Shukla, who was found dead in the Lucknow Jail hospital. Tripathi alleged that the police accused his news channel of showing wrong and sensational news. Authorities registered a complaint and suspended the police officers.

Censorship or Content Restrictions.—During the year state governments banned some books from being imported or sold in the state because they contained material that government censors deemed inflammatory and apt to provoke communal or religious tensions. For example, in March the Gujarat government banned the book Great Soul: Mahatma Gandhi and His Struggle with India before the book was published in the country.

The Press Council, an independent statutory body of journalists, publishers, academics, and politicians with a government-appointed chairman nominated by the chief justice, investigated what it considered irresponsible journalism and set a code of conduct for publishers. The code included injunctions against publishing stories that might incite caste or communal violence. The council publicly criticized those it believed broke the code.

Internet Freedom.—There were some government restrictions on access to the Internet and reports that the government occasionally monitored users of digital media, such as chat rooms and person-to-person communications. A 2008 amend-

ment to the Information Technology Act reinforced the government's power to block Internet sites and content, and it criminalized the sending of messages the government deemed inflammatory or offensive. Both central and state governments have the power to issue directions for the interception, monitoring, or decryption of computer information. The Information Technology Ministry is responsible for enforcing the rules and regulations.

Freedom House alleged that even though there was not substantial political censorship, authorities arrested bloggers and online users for posting comments that might spark communal violence. Google reported receiving 68 content removal requests from Indian courts, executive offices, and law enforcement agencies in the last six months of 2010, covering 358 items. The requests included removal of results from Web searches, social networking sites, and YouTube videos. Google categorized 255 of the items requested to be removed as government criticism.

In a series of meetings beginning September 5, Telecommunications Minister Kapil Sibal requested social media companies to find a technical solution to prescreen user content prior to posting on the Internet, appearing to circumvent legal justification for removal of content. When the request reached the media on December 5, pressure from activists, social groups, and the public forced Sibal to modify his comments. On December 15, Sibal met with Internet and social media companies and explained the government wanted Internet platforms to create a set of guidelines to protect the sentiments of the people. A spokesman for the Congress party stated that the party did not support Internet censorship. On December 21, a lower-level criminal court in Delhi ordered 22 primarily social media Web sites to remove material deemed antireligious and antisocial, following a complaint by Mufti Aijaz Qasmi, a religious leader from Delhi. The Web sites were told to comply by February 6, 2012, or face contempt of court charges.

In April the government enacted new regulations on Internet content, titled Information Technology (Intermediary Guidelines) Rules, 2011. These regulations prohibit many types of content, including "harmful" and "insulting" content. Furthermore, third parties such as search engines can be held liable for the prohibited content. The Information Technology (Guidelines for Cyber Cafe) Rules, 2011, include requirements that cybercafes install surveillance cameras and provide the government with records of their users' browsing activity.

Academic Freedom and Cultural Events.—The government continued to apply restrictions to the travel and activities of a few visiting experts and scholars. Academic guidelines issued by the Ministry of Human Resources Development (MHRD) in 2003 required all central universities to obtain MHRD permission before organizing "all forms of foreign collaborations and other international academic exchange activities," including seminars, conferences, workshops, guest lectures, and research. Although the restrictions remained in force, in most cases the MHRD permitted international academic exchanges to take place after bureaucratic delays.

State governments in Uttar Pradesh, Punjab, and Andhra Pradesh banned the Bollywood film Aarakshan, a sociopolitical drama based on the policy of caste-based reservations in government jobs and educational institutions. The film Dam 999 was banned the day before its scheduled release by the Tamil Nadu government, after political leaders complained the film was based on the Mullaperiyar Dam dispute between Tamil Nadu and Kerala and could disturb the relations between the two states. On December 17, the government extended the ban for an additional six months, citing fears to public safety if the film were screened.

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

Freedom of Assembly.—The law provides for freedom of assembly. Authorities normally required permits and notification before parades or demonstrations, and local governments generally respected the right to protest peacefully, except in Jammu and Kashmir, where the local government sometimes denied permits to separatist parties for public gatherings, and security forces occasionally detained and assaulted separatists engaged in peaceful protest (see section 1.g.). During periods of civil tension, authorities used the criminal procedure code to ban public assemblies or impose a curfew.

There were restrictions on the organization of international conferences. NGOs must secure approval from the MHA before organizing international conferences; permission typically was granted, but the process was lengthy. Human rights groups contended that this practice provided the government with political control over the work of NGOs and restricted their freedom of assembly and association.

On August 9, the MHA informed parliament that 42 NGOs were banned from receiving foreign contributions due to complaints of corruption or irregularities in the

use of funds received under the revised Foreign Contributions (Regulation) Act (FCRA). The government also placed 36 NGOs in the prior permission category, which includes associations already registered with the central government; these NGOs will remain registered for the next five years. The accounts of 10 NGOs were frozen as their use of funds was investigated. Many NGOs had concerns that the ban on funding for organizations of a "political nature" made the FCRA vulnerable to abuse and corruption by government officials. The FCRA prohibits political organizations or associations/companies engaged in the production and broadcast of audio or audio visual news or current affairs programs from accepting foreign contributions.

In New Delhi on June 5, yoga guru Baba Ramdev was arrested by the central government after violating government conditions for a large fast and protest rally he led in New Delhi against corruption and money hidden abroad. There were reports that police used force to evict protesters and clear the area. The NHRC requested a report on the midnight crackdown. A response from the government was pending at year's end.

Freedom of Association.—The law provides for the freedom of association, and the government generally respected this right in practice; however, there were restrictions on the organization of conferences funded with foreign funds, which must be approved by both MHA and the concerned ministry.

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 (UNHCR) and other humanitarian organizations in providing protection and assistance to some but not all IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement.—In 2010 the government lifted the requirement for nationals and foreigners, except persons from Pakistan and China, to apply for a special permit to travel to Manipur, Mizoram, or Nagaland; however, it continued to require special permits to travel to Arunachal Pradesh and Jammu and Kashmir.

Security forces often searched and questioned vehicle occupants at checkpoints, mostly in troubled areas in the Kashmir valley, before public events in New Delhi or after major terrorist attacks. The government maintained a 330-mile security fence along the Line of Control in Jammu and Kashmir, causing difficulties for residents because the fence cuts through some villages and agricultural lands.

Foreign Travel.—The government legally may deny a passport to any applicant who it believes may engage in activities outside the country "prejudicial to the sovereignty and integrity of the nation."

Citizens from Jammu and Kashmir continued to face extended delays, often as long as two years, before the Ministry of External Affairs would issue or renew their passports. The government subjected applicants born in Jammu and Kashmir—including children born to military officers during their deployment in the state—to additional scrutiny, requests for bribes, and police clearances before issuing them passports.

Internally Displaced Persons (IDPs).—There were several groups of IDPs in various locations in the country, including those displaced by internal armed conflicts in Jammu and Kashmir, the Naxalite belt, and the Northeastern States (see section 1.g.), as well as in Gujarat. In September 2010 the Norwegian Refugee Council (NRC) estimated that regional conflicts had displaced at least 650,000 persons, and the Internal Displacement Monitoring Centre, operated by the NRC and the U.N. put the total number of IDPs at approximately 500,000. It was difficult to estimate the exact number of those displaced by conflict or violence because there was no central government agency responsible for monitoring the numbers of those displaced or returning, and humanitarian and human rights agencies had limited access to camps and affected regions. While those who resided in IDP camps were registered, an unknown number stayed outside of the camps.

The Internal Displacement Monitoring Centre reported in 2010 that "many of India's IDPs had insufficient access to basic necessities of life such as food, clean water, shelter, and health care" and that tribal IDPs in camps in Chhattisgarh "faced the risk of attacks by government forces and government-allied militia on the one hand and Naxalite insurgents on the other."

The violence in Gujarat in 2002 displaced more than 250,000 persons, many of them Muslims, from Gujarati villages and cities. According to the NRC, 19,000 displaced persons remained in camps as of September 2010, living in 86 relief colonies that lacked adequate infrastructure.

The government has no national policy or legislation to address internal displacement resulting from armed conflict or from ethnic or communal violence, and the responsibility for protecting and assisting IDPs often was delegated to the state governments and district authorities. The lack of a central policy allowed states to remain unaccountable for internal displacement and claim that they were unable to protect and/or assist IDPs. When state- or district-level authorities provided assistance, it was often ad-hoc and varied. The government provided some assistance to IDPs and allowed them access to NGO and human rights organizations, but neither access nor assistance was standard for all IDPs or all situations. As in previous years, there were no reports that the government attacked or forcibly resettled IDPs.

Protection of Refugees.—The country is not a party to the 1951 Convention relating to the Status of Refugees or its 1967 protocol, and there is no law or clear policy for refugees. The Foreigners Act (1946), the current law consulted by authorities with regard to refugees and asylum seekers, does not contain the term "refugee"; the word "foreigner" is used, placing refugees, migrants, and tourists in the same category. Under this act physical presence in the country without valid travel or residential documents is a criminal offense, rendering refugees without appropriate documentation eligible to be deported; nevertheless, there were no reports that the government deported refugees during the year. The government generally provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Access to Asylum.—Although the government lacks a legal framework for addressing refugees, it used an ad hoc approach and occasionally granted asylum and refugee status on humanitarian grounds in accordance with international law. However, this approach resulted in varying standards of protection for different refugee groups. The government recognizes refugees from Tibet and Sri Lanka and honors UNHCR decisions on refugee status determination for individuals from other countries. According to the UNHCR, in January there were 184,821 refugees in the country, including 68,606 Sri Lankan refugees in 114 refugee camps, 109,015 Tibetan refugees, and more than 14,000 urban refugees from other countries living in New Delhi. Of the 12,800 asylum seekers and 18,800 refugees registered with the UNHCR in New Delhi, the majority were from Burma and Afghanistan.

The UNHCR had no formal status in the country, but the government permitted its staff access to refugees in urban centers and allowed it to maintain a local office in Tamil Nadu; however, the UNHCR was not permitted direct access to Sri Lankan refugee camps, Tibetan settlements, or asylum seekers in Mizoram. Authorities permitted asylum seekers from Mizoram to travel to New Delhi to meet UNHCR officials. In contrast, the government generally permitted NGOs, international humanitarian organizations, and foreign governments access to Sri Lankan refugee camps and Tibetan settlements, but it also generally denied them access to asylum-seeker populations in Mizoram.

The central government and the state of Tamil Nadu jointly provided monthly cash payments and food subsidies to the Sri Lankan Tamil refugees in Tamil Nadu's 114 camps. According to NGOs, conditions in the Sri Lankan Tamil refugee camps in Tamil Nadu were generally acceptable, although much of the housing, as well as water and sanitation facilities, were of poor quality.

Refugee Abuse.—The government of Tamil Nadu estimated that there were approximately 30,000 Sri Lankan refugees living outside of the camps throughout the state. According to the Catholic Relief Services and others, the problems of gender-based violence, including domestic violence, sexual abuse, and early marriage, existed within this group but at a far lower level than previous years, and the incidence of child marriage was nearly zero, after intervention programs run at the camps.

One NGO also reported a number of cases of abuse of refugees and arbitrary detention. The organization noted that many urban refugees worked in the informal sector or in highly visible occupations, such as street vendors, where they were subject to police extortion, nonpayment, and exploitation.

The UNHCR provided refugee status and assistance to approximately 3,000 to 4,000 Burmese living in Delhi, primarily Chins, but did not have access to the larger population of ethnic Chins living in the northeastern states. The UNHCR esti-

mated there were 5,600 refugees and 4,000 asylum seekers from Burma registered, and tens of thousands more who were not registered in Delhi.

Access to Basic Services.—NGOs estimated that there were between 80,000 and 100,000 Burmese Chin asylum seekers in Mizoram. Chin refugees generally reported fair access to housing, education, and health services. However, because most Chin refugees lacked legal status and were unable to work legally, they had inadequate income to meet their basic needs and remained vulnerable to abuse, discrimination, and harassment.

While the government respected the UNHCR's mandate of protection for UNHCR-recognized groups in New Delhi and provided residential permits to many of the UNHCR-recognized urban refugees, the government did not recognize these populations in New Delhi and other cities as "refugees," leaving them ineligible for certain rights and services and vulnerable to harassment and gender-based violence. They did not have the legal right to work and thus often worked for low wages in the informal market. Many refugees did not have sufficient access to education or basic services, although they received medical care in free clinics. There were reports that refugees without residency permits or other official documents were unable to access police or courts.

Stateless Persons.—According to the Citizenship Act of 1955, citizenship is derived from one's parents; birth within the country does not guarantee citizenship. Any person born in the country on or after January 26, 1950, but before July 1, 1987, obtained citizenship by birth. A person born in the country on or after July 1, 1987, obtained citizenship if either parent was a citizen at the time of the child's birth. Those born in the country on or after December 3, 2004, were considered citizens only if at least one parent was a citizen and the other was not an illegal migrant at the time of the child's birth. Persons born outside the country on or after December 10, 1992, were considered citizens if either parent was a citizen at the time of birth; however, those born outside the country since December 3, 2004, were not considered citizens unless their birth was registered at an Indian consulate within one year of the date of birth. Only in certain circumstances and with the permission of the central government was it possible to register after one year. Citizenship also can be obtained through registration under specific categories and via naturalization after residing in the country for 12 years.

On January 20, Indian-born Namgyal Dolkar became the first Tibetan to get Indian citizenship after a Delhi High Court ruled in her favor. Dolkar was born in Himachal Pradesh in 1986 but was denied an Indian passport because her parents were Tibetans.

According to the UNHCR and NGOs, the country has a large population of stateless persons, but there were no accurate estimates of the number. Stateless populations include Chakmas and Hajongs, who migrated to India from East Pakistan (now Bangladesh), and groups affected by the 1947 partition of the Indian Subcontinent into India and Pakistan.

According to the UNHCR, 28,500 of the estimated 100,000 Tamil refugees living in refugee camps in Tamil Nadu had applied for Sri Lankan citizenship documents, but none had been issued by year's end.

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 country held a five-phase national election in April and May 2009 that included 714 million eligible voters. National and local security forces helped to ensure a relatively smooth election, although 65 persons were killed in voting-related violence. The Congress-led United Progress Alliance government (a coalition of parties), headed by Prime Minister Manmohan Singh, continued in power for a second term.

The country held state assembly elections in four states (Bihar, Kerala, Jharkhand, and Tamil Nadu) and one Union Territory (Puducherry) from April to May in which 140 million eligible voters participated. The elections were largely peaceful and free of major violence.

Participation of Women and Minorities.—The law requires one-third of the seats in local bodies (panchayats and municipal councils) to be reserved for women. In addition, the country has no cultural or traditional practices that prevented women from participating in political life on the same basis as men, and women held many high-level political offices. Women participated in politics throughout the country at all levels.

The constitution stipulates that to protect historically marginalized groups and to ensure representation in the lower house of parliament, each state must reserve seats for scheduled castes and scheduled tribes in proportion to their population in the state. Only candidates belonging to these groups can contest elections in reserved constituencies. In the 2009 elections, 84 seats for candidates from scheduled castes and 47 seats from scheduled tribes were reserved, representing 24 percent of the total seats in the lower house.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Corruption continued at a significant level. On December 14, parliament was informed the CBI had registered and was investigating 517 cases of alleged corruption between January and October. The Central Vigilance Commission reported 39,123 officers were fined between 2008 and 2010 for being involved in corrupt practices. A 2010 Transparency International report noted that 54 percent of the population admitted to bribing authorities, with lower-income earners reporting paying more bribes. Bribes typically were paid to speed up procedures, such as police protection, school admission, water supply, or government assistance. Half of the bribes were paid for the benefit of registering for government assistance. The report also stated that the population considered political parties to be the most corrupt institution in the country. Civil society organizations drew public attention to corruption throughout the year, including through new Web sites such as www.ipaidabribe.com, which featured individual stories of corruption.

Social activist Anna Hazare led protests and fasted against corruption in August, fighting for the introduction of a bill in parliament. His anticorruption movement had less traction in the east and Northeastern States compared with the north and the western parts of the country. Hazare ended his fast on August 28 after parliament agreed to draft new antigraft legislation.

On the occasion of the country's ratification of the U.N. Convention Against Corruption in May, Prime Minister Singh noted his "government's commitment to fight corruption and to undertake vigorously administrative and legal reforms to enable our law-enforcement agencies to recover the illicit assets stolen by corrupt practices."

Both the Election Commission and the Supreme Court upheld mandatory disclosure of criminal and financial records for election candidates. Election campaigns for parliament and state legislatures often were funded with unreported money, and the government typically failed to control the practice. During the year the Election Commission of India (ECI) worked with NGOs and print and television media in Tamil Nadu in an attempt control the practice and prevent political parties from using undocumented cash to influence voters. After West Bengal's six-phase elections, there was consensus among political parties, the media, and observers that the efforts of the ECI led to an election process that was fair and largely free of prejudice and intimidation. The ECI also enforced a more accurate description of the candidates' assets and liabilities.

The law mandates asset declarations for all Indian Administrative Services officers. On March 2, the Bihar government announced that 70,000 officials who had not declared their assets would be liable to lose one month's salary as a penalty. As a result nearly 85 percent of the officials submitted their records.

The government designated chief vigilance officers to address public complaints and grievances in the banking, insurance, and other sectors that were serviced by private, public, and corporate bodies. In addition several states established Lokpal or Lokayukta offices, which serve as ombudsmen with the authority to investigate allegations of corruption and poor administration.

The Central Vigilance Commission operated a toll-free hotline so citizens across the country could lodge complaints against corrupt government officials, as well as a Web portal, VIGEYE, which served as a platform to share information between the public government agencies and the vigilance commission. Registered users could upload video or audio of acts of corruption. On March 10, the Ministry of Personnel, Public Grievances, and Pensions informed parliament that 30 CBI officials had been prosecuted on charges of corruption from 2008 to January 2010. On August 10, the ministry stated there were 151 requests for information involving 62 cases of prosecution of public servants pending as of June.

During the year A. Raja, the former telecommunications minister, and Kanimozhi, a member of the Rajya Sabha (upper house of parliament), remained imprisoned pending trial in a scandal over an allegedly rigged sale of the "2G" mobile phone spectrum in January 2008. The two were accused of taking bribes and causing a theoretical loss to the national treasury of up to 1.9 trillion rupees ($36 billion). An-

other former telecommunications minister, Dayanidhi Maran, stepped down from his cabinet post in July in the face of an investigation by the central government into charges that he manipulated mobile phone licenses in a separate, earlier incident.

On September 26, newspapers reported that Road Transport Office (RTO) staffers killed Anant Lal Gupta, a truck driver in Uttar Pradesh, after he refused to pay a bribe during a vehicle-checking safety drive. The RTO constables allegedly demanded 1,000 rupees ($19), but the victim was willing to pay only 500 rupees ($9.50). A First Incident Report (FIR) was filed. The accused were suspended and subsequently absconded. At year's end, the police had not traced them.

In September parliament initiated impeachment proceedings against justice Soumitra Sen of the Kolkata High Court, who resigned before the lower house was to vote. After his resignation, parliament dropped the impeachment charges. Impeachment proceedings resulted from an inquiry that declared him guilty of financial misconduct. Sen had mixed funds entrusted to him in his capacity as a court-appointed receiver with his own funds, failed to prepare and file accounts as required, and repaid the money with interest only after he was directed to do so by a judge of the Kolkata High Court

In July Karnataka's then chief minister, B.S. Yeddyurappa, was forced to resign following his indictment in an illegal mining investigation by Karnataka's Lokayukta. A number of corruption charges were pending against Yeddyurappa, who also was implicated in several land allocation scandals during his tenure as chief minister. Established in 1984 to improve the standards of public administration by investigating corruption, Karnataka's Lokayukta is generally considered one of the strongest in the country.

Critics claimed that many government-run programs to alleviate poverty and provide employment suffered from poor implementation and corruption. For example, on June 14, newspapers reported on a Mahatma Gandhi National Rural Employment Guarantee Act (NREGA) dam-building scam in Dantewada. The NREGA program provided for 100 days of work for rural households. The newspaper reported that 122 persons, several of whom were dead, were listed as working in the program; the executive engineer of the project disappeared shortly after the investigation began. Senior officials estimated that nearly 40 to 50 percent of government expenditures in Dantewada were lost to corruption.

On April 25, authorities arrested Suresh Kalmadi, the former chief of the organizing committee of the Commonwealth Games, on charges of cheating, conspiracy, and corruption in connection with the awarding of several contracts, after the CBI questioned him for a fourth time. The Commonwealth Games were plagued by allegations of financial mismanagement, work safety violations, construction accidents, and massive delays. At year's end the CBI probe continued, and Kalmadi remained in Tihar Central Jail.

On March 3, unidentified men beat to death Niyamat Ansari, who was working for the implementation of the NREGA, in Lathehar District, Jharkhand. Ansari exposed a case of embezzlement of NREGA funds on February 20 and lodged a FIR against the block development officer. On August 4, the Ministry of Rural Development informed parliament that as of July 7, 2,250 complaints regarding corruption in the NREGA had been filed.

On January 29, the CBI registered a criminal case against 14 persons, including former chief minister Ashok Chavan, in connection with the Adarsh housing scam in Maharashtra. The scam, which became public in November 2010, involved Congress Party politicians, bureaucrats, and military officers who allegedly purchased apartments reserved for veterans and war widows. The CBI's failure to file appropriate paperwork resulted in bail being granted to four persons. On August 2, the Mumbai High Court chided the CBI for the slow pace of its investigation. By year's end the CBI had questioned more than 100 persons, including former Maharashtra chief minister Sushil Kumar Shinde.

The law provides for public access to information. Although the government was often slow in response to requests, local community members as well as noncitizens could access the Right to Information (RTI) online portal to get information on personal documentation, city plans, and other public records. RTI information can be requested only by citizens. The government charged a fee of 10 rupees ($0.20) at the time of the request. If a request is denied, one can appeal to the Central Information Commission and then to the high court. There were concerns that public authorities remained unable to implement the RTI Act adequately, hindering the supply of information, and that rural inhabitants were not always aware of their rights under the act. Many states, including Jammu and Kashmir, also have right-to-information laws. In 2010-11 the Central Information Commission reported receiving

28,875 complaints and appeals in regard to information obtained under the RTI. Of these, 24,071were resolved.

On March 1, the MHA sent an advisory to all state governments and union territories, informing them to take measures to ensure the safety of RTI activists. On March 10, the Ministry of Personnel, Public Grievances, and Pensions informed parliament that seven RTI activists allegedly had been killed since 2009. This did not include the August 16 shooting death of Shehla Masood, an active RTI campaigner on wildlife and bureaucracy in Bhopal.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases; however, in a few circumstances groups faced restrictions. Government officials were somewhat cooperative and responsive to their views. The country hosts more than three million NGOs that advocate for social justice, sustainable development, and human rights. The government generally met with domestic NGOs, responded to their inquiries, and took action in response to their reports or recommendations. The NHRC worked cooperatively with numerous NGOs, and NGOs were represented on several NHRC committees. However, while human rights monitors in Jammu and Kashmir were able to document human rights violations, security forces, counterinsurgents, and police at times restrained or harassed them.

Some international human rights NGOs faced difficulties obtaining visas for their representatives, and occasional official harassment and restrictions limited the public distribution of materials.

U.N. and Other International Bodies.—The government permitted representatives of the U.N. and other international humanitarian organizations, such as the ICRC, access to the Northeastern States and Naxalite-controlled areas. On January 20, the U.N. special rapporteur on human rights visited Kolkata, Gujarat, Jammu and Kashmir, and Odisha (formerly Orissa) to assess the human rights situation in each area. This was the first official U.N. visit to Jammu and Kashmir in 20 years.

The ICRC continued to work with the Indian Red Cross in Nagaland, Chhattisgarh, and Assam, where teams provided household items, water, and sanitation facilities for persons displaced by ethnic violence.

Government Human Rights Bodies.—The NHRC is an independent and impartial investigatory and advisory body. It has a mandate to address public servants' violations of human rights or negligence in the prevention of violations, intervene in judicial proceedings involving allegations of human rights violations, and review any factors (including acts of terrorism) that infringe on human rights. The NHRC has the ability to summon and enforce witness attendance, produce documentation, and requisition public records. The NHRC also recommends appropriate remedies for alleged wrongs by offering compensation to the families of individuals killed or harmed extrajudicially by government personnel; however, it cannot force the implementation of its recommendations. The NHRC is not empowered to address allegations leveled against military and paramilitary personnel.

On April 26, the NHRC announced it had settled 88,788 cases during 2010-11, of which 574 cases received monetary relief. In 2009-10 the commission handled 86,050 cases, of which 398 cases received monetary relief.

The government-appointed NHRC generally acted independently, but some human rights groups claimed that institutional and legal weaknesses hampered it. The president appoints members after recommendations from parliament. While the NHRC has the authority to initiate investigations, inquire into complaints, or request that a state government submit a report—a request that state governments often ignored—it does not have the statutory power to enforce requests, initiate proceedings for prosecution, or grant interim compensation, nor could it inquire independently into human rights violations by the armed forces. Human rights NGOs criticized the NHRC's financial dependence on the government and its failure to investigate abuses more than one year old. They claimed that the NHRC did not register all complaints, dismissed cases on frivolous grounds, failed to investigate cases thoroughly, and did not adequately protect complainants.

Twenty states also have human rights commissions, which hold independent investigations but work under the NHRC. In six states the position of chairperson was vacant. Human rights groups alleged that state human rights commissions were limited by local politics and less likely to offer fair judgments than the NHRC. For example, the Jammu and Kashmir commission did not have the authority to investigate alleged human rights violations committed by members of paramilitary security forces.

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

The law prohibits discrimination on the basis of race, gender, disability, language, religion, place of birth, or social status, and the government worked with varying degrees of success to enforce these provisions.

Women.—Rape and Domestic Violence.—The law criminalizes rape, including spousal rape. Punishment ranged from prison terms as long as one year, a fine of 19,800 rupees ($375), or both. Official statistics pointed to rape as the fastest growing crime, even when compared to murder, robbery, and kidnapping. The NCRB stated that a woman is raped in the country every 30 minutes. The NCRB reported 22,172 cases of rape across the country in 2010. Law enforcement and legal avenues for rape victims were inadequate, overburdened, and unable to address the issue effectively.

Women in conflict situations, such as in Jammu and Kashmir, and vulnerable women, including lower-caste or tribal women, were often victims of rape. For example, human rights activists in Chhattisgarh alleged that on July 6, police in the Maoist-affected Surguja district raped and killed Meena Khalkho, a 16-year-old member of the Uraon tribe. The police claimed that Khalkho was a Maoist killed in an encounter near her village, a claim questioned by her family and several other villagers. A postmortem report revealed sexual assault, and Khalkho's family alleged that police raped and killed her. The police tried to dismiss the allegation of rape by labeling Khalkho as a "slut and habitual sexual offender." After severe media criticism and protests by villagers, the Chhattisgarh government ordered two parallel probes by a judicial magistrate and the state's CID. The probes by the judicial magistrate and the CID continued at year's end.

On November 26, a 30-year-old call center employee walking home from work allegedly was abducted from the Dhaula Kuan area of Delhi, gang-raped in a moving car, and dumped in a different part of the city. The victim was able to identify two persons, Shamshad and Osman, who were put in judicial custody. At year's end five persons had been arrested. The victim's name was not released to the media.

The law provides for protection from all forms of abuse against women in the home, including physical, sexual, verbal, emotional, or economic abuse, as well as threat of abuse; however, domestic abuse remained a serious problem. Lack of law enforcement safeguards and pervasive corruption limited the effectiveness of the law. The law recognizes the right of a woman to reside in a shared household with her spouse or partner while the dispute continues, although a woman can be provided with alternative accommodations at the partner's expense. The law also provides women with the right to police assistance, legal aid, shelter, and access to medical care.

While the Ministry of Women and Child Development (MWCD) has issued guidelines for the establishment of these social services, in practice lack of funding, personnel, and proper training resulted in limited services, primarily available in metropolitan areas.

Domestic violence continued to be a problem, and the National Family Health Survey revealed that more than 50 percent of women reported experiencing some form of violence in their home. The NCRB reported that in 2010 there were 94,041 cases reported of "cruelty by husband and relatives." The MWCD reported that there were 6,483 protection officers appointed across the country.

On August 2, the Ministry of Home Affairs informed parliament that according to the NHRC, 23,608 complaints of crimes against women were received between April 2007 and March 1, 2011. Of these, 23,254 cases had been resolved and 354 cases were pending for consideration. Delhi accounted for 15.4 percent of total crimes with 3,701 cases.

Crimes against women were common. The NCRB estimated that there were 213,585 crimes against women during 2010, compared with 203,804 in 2009, and noted that underreporting of such crimes was likely. These crimes included kidnapping and abduction, molestation, sexual harassment, physical and mental abuse, and trafficking. The NCRB estimated the conviction rate for crimes against women was 28 percent. Delhi recorded the highest incidence of crime against women with 3,886 cases, followed by Bengaluru, Andhra Pradesh with 1,570.

Harmful Traditional Practices.—The law forbids the provision or acceptance of a dowry, but families continued to offer and accept dowries, and dowry disputes remained a serious problem. The law also bans harassment in the form of dowry demands and empowers magistrates to issue protection orders. Deaths associated with the nonpayment of dowries rose in the past several years. According to the NCRB, in 2010 there were 8,391 reported dowry deaths. Delhi had the highest incidence of dowry deaths with 112, followed by 92 deaths in Kanpur, Uttar Pradesh. However, since many cases were not reported and not properly monitored, statistics were

not complete. On August 4, the MWCD told parliament that 5,650 cases of dowry were reported in 2009. The NCRB reported 2,917 criminal cases related to dowries, with a conviction rate of 21 percent.

Madhya Pradesh, Kerala, Bihar, and several other states had a chief dowry prevention officer, although it was unclear whether these officers were effective. In 2010 Madhya Pradesh required all state government employees to produce sworn affidavits that no dowry was exchanged, however, at year's end no updates were available on the implementation of this provision. In November 2010 the Supreme Court made it mandatory for all trial courts across the country to add the charge of murder against persons accused in dowry death cases.

So-called honor killings continued to be a problem, especially in Punjab and Haryana, where as many as 10 percent of all killings were honor killings. In some cases the killings were the result of extrajudicial decisions made by traditional community elders such as "khap panchayats," unelected village assemblies that have no legal authority. In an April decision, the Supreme Court of India declared the decree or encouragement by khap panchayats to commit honor killings illegal. Statistics for honor killings were difficult to verify, since many such killings were unreported or were passed off as suicide or natural deaths by the family members involved. NGOs estimated that at least 900 such murders occurred every year in Haryana, Punjab, and Uttar Pradesh alone. On April 20, the Supreme Court directed all states to root out honor killings, warning them to punish officials who fail to act against offenders; on May 11, the court expressed its support for the death penalty in honor-killing convictions. The most common justification for the killings offered by those accused or by their relatives was that the victim married against her family's wishes.

On May 13, relatives of newlywed bride Gurleen Kaur killed Kaur and her mother-in-law and injured the groom, reportedly because the couple married against the wishes of the bride's family. Police registered cases against eight persons by year's end. The incident happened despite the fact that after the marriage the couple was under the protection of the Punjab and Haryana High Court.

On September 8, a Delhi court sentenced five people to death, holding them guilty of murder and fining each 20,000 rupees ($380) in a 2008 honor killing case. The bride's brothers and close family members killed the groom's brother because the bride and groom were from different religious groups.

Other forms of societal violence targeting women continued to occur. On May 20, 11 persons invaded a house in Raipur District, Chhattisgarh, and assaulted a woman, blinding her with scissors, for witchcraft. Her husband also was blinded when he came to her aid. Authorities arrested 10 suspects. Chhattisgarh passed a Witchcraft (Prevention) Act in 2005 to prevent violence against women accused of being "witches," but the law had minimal impact in tribal areas.

Sexual Harassment.—On August 12, the MWCD reported to parliament that 15,700 complaints of harassment and offenses against women had been registered with the National Commission for Women (NWC) during 2010.

There are no legislative enactments or statutory policies against sexual harassment and abuse at workplaces; all charges of sexual harassment used the guidelines set forth in a 1997 judgment. The guidelines are treated as law declared by the Supreme Court and enforceable. The law does not provide for penalties; it outlines what conduct is considered harassment and makes it incumbent on the employer to include a prohibition of sexual harassment in employees' rules of conduct and discipline. All state departments and institutions with more than 50 employees are required to have committees to deal with matters of sexual harassment.

According to the NCRB, 11,009 cases of sexual harassment were reported in 2009, the latest year for which figures were released. The NWC reported 15,566 complaints of sexual harassment during the same time period; however, the NWC does not have enforcement authority. According to a joint survey released on February 13 by the U.N. Development Fund for Women and the NGO Jagori, approximately 66 percent of women in Delhi had been sexually harassed between two and five times in 2010. The survey reported that more than 40 percent of incidents of harassment and molestation occurred in broad daylight, and nearly 45 percent of women believed that "the police will do nothing" if approached. A November 2010 survey of female employees in the information technology and outsourcing industry found that 88 percent of them had faced some form of sexual harassment at work. In two-thirds of the incidents, the perpetrator was a superior.

Sex Tourism.—A 2009 nationwide study commissioned by the MWCD and completed by the NGO Gram Niyojan Kendra studied 68 tourist destinations. It found that sex tourism occurred at sightseeing attractions in major cities and also that pilgrimage centers were a growing hub of sex tourism. The report stated that domestic tourists were "overwhelmingly involved" in sex with commercial sex workers and

pointed to the lack of legislation at the state level or effective measures to control sex offenders from revisiting sites. In response to the study, the Union Minister for Tourism released a code of conduct for "safe and honorable tourism" in July 2010. In 2011 the Ministry of Tourism released new guidelines for the selection and granting of licenses to regional tour guides.

Reproductive Rights.—The government permits health clinics and local health NGOs to operate freely in disseminating information about family planning. There are no restrictions on the right to access contraceptives. Laws favoring families that have no more than two children remained in place in seven states, but authorities seldom enforced them. The laws provide reservations for government jobs and subsidies to those who have no more than two children and reduced subsidies and access to health care for those who have more than two. National health officials noted that the central government did not have authority to regulate state decisions on population issues.

According to the 2011 U.N. Population Fund State of World Population Report, the maternal mortality ratio was 230 deaths per 100,000 live births in 2008. The major factors influencing the high maternal mortality rate were lack of adequate nutrition, medical care, and sanitary facilities. The World Bank estimated that 75 percent of women received some prenatal care during the year, and the World Health Organization (WHO) estimated 47 percent of births were attended by skilled help, 75 percent of women made at least one prenatal visit, and 50 percent made at least four prenatal visits.

The government and NGOs started numerous initiatives to improve women and children's health, including providing financial incentives for women willing to give birth in a hospital, improving midwife training, and increasing prenatal care via text messages, which provide information on vaccinations, exercise, diet, medication, and how to deal with emergencies that arrive during pregnancy.

The National AIDS Control Organization (NACO), which formulates and implements programs for the prevention and control of HIV and AIDS, reported that women accounted for about one million of the estimated 2.5 million citizens with HIV/AIDS. Infection rates for women were highest in urban communities, and care was least available in rural areas. Traditional gender norms, such as early marriage, limited access to information and education, and poor access to health services continued to leave women especially vulnerable to infection. NACO actively worked with NGOs to train women's HIV/AIDS self-help groups.

Discrimination.—The law prohibits discrimination in the workplace; in practice employers paid women less than men for the same job, discriminated against women in employment and credit applications, and promoted women less frequently than men.

In August 2010 the Supreme Court ordered the country's armed forces to grant permanent commissions to women in noncombat roles. Previously women in the armed forces were granted short-term commissions and then forced to retire after a specified time. On June 16, the air force announced a decision to grant permanent commissions to 22 female officers. Two women still were serving, while 20 had retired after serving for 14 years as short-service commission officers. In April newspapers reported that the army had given permanent commissions to 18 female officers in its Education Corps.

Many tribal land systems, notably in Bihar, denied tribal women the right to own land. Sharia (Islamic law) determines land inheritance for Muslim women, allotting them less than men. Other laws relating to the ownership of assets and land accorded women little control over land use, retention, or sale. Several exceptions existed, such as in Kerala, Ladakh, Meghalaya, and Himachal Pradesh, where women traditionally controlled family property and enjoyed full inheritance rights.

According to the 2011 national census, the national average male-female sex ratio at birth was 109.4 to 100. The Pre-Natal Diagnostic Technical Act prohibits prenatal sex selection, but the law was rarely enforced. Numerous NGOs throughout the country and some states have attempted to increase awareness about the problem of prenatal sex selection, promote girl children, and prevent female infanticide and abandonment.

Children.—Birth Registration.—The law establishes state governments' procedures for birth registration. According to UNICEF approximately 58 percent of national births were registered each year, and the registration rate varied substantially across the states. Children lacking citizenship or registration may not be able to access public services, enroll in school, or obtain identification documents later in life (see also section 2.d., Stateless Persons).

Education.—The constitution provides free education for children from six to 14 years of age, but the government did not enforce this provision. On January 8, the

Annual Survey of Education Report, released by the NGO Pratham, revealed that 96.5 percent of children between ages 6 and 14 were enrolled in schools in 2010, and 94.1 percent of eligible girls were enrolled. The survey noted that the quality of education remained a matter of concern.

On April 15, a report by the MHRD stated that 124,022 children between six and 14 years of age were out of school in Delhi, one year after the Right to Free and Compulsory Education was passed. The act makes education a fundamental right for children and enables every child between the ages of six and 14 years to demand free elementary education. However, there were numerous reports of schools refusing admission or denying entry to underprivileged students. Across the country more than eight million children between six and 14 years of age remained out of school. On August 5, the MHRD informed parliament that more than 20 percent of children dropped out of school between grades one and six in 2008-09.

In its 2011 State of The World's Children report, UNICEF stated that school attendance among girls dropped from 86 per cent at the primary school level to 59 percent at the secondary school level. The reasons for this included family pressure, lack of secondary schools in rural areas, and poor quality of school facilities, including a lack of dedicated sanitation facilities for girls. In Delhi drinking water facilities were present at 100 percent of schools, but there were reports of children being asked to carry water from home because the water was contaminated and the supply irregular.

Child Abuse.—The law provides for protection against various forms of child abuse, but child abuse remained common, including in school and institutional settings, and the government failed to adequately educate the public against child abuse or enforce the law. Although corporal punishment is banned, teachers often used it. According to the MHA Annual Report 2010-11, there were 24,201 cases of crime reported against children in 2009, an increase from 22,500 cases in 2008.

In 2010 city police in Chennai, Tamil Nadu, conducted a training program for police personnel to deal with child abuse cases and complaints. Subsequently, police formed nine child abuse investigation teams to investigate complaints of child abuse exclusively.

A 2007 study by the MWCD stated that approximately 69 percent of children reported having been physically abused, 65 percent of schoolchildren reported receiving corporal punishment at school, 53 percent of children reported sexual abuse, 48 percent of children reported emotional abuse, and 71 percent of female children reported neglect.

On February 1, a civil court upheld the order of the metropolitan court reframing the charges against the principal and three teachers of Kolkata's La Martiniere School for the suicide abetment of eighth-grade student Rouvanjit Rawla, who hanged himself in 2009 after he was caned. At the end of 2010, the four were free on bail but faced charges of voluntarily causing hurt, punishment without grave provocation, and negligence of duty. At year's end there was no update on when the case would be heard in court.

During the year corporal punishment in city schools continued despite a judicial ban issued during the year. A FIR was pending in the 2009 death of student Shanno Khan, who died after her teacher at the Municipal Corporation of Delhi Girls Primary School in New Delhi forced her to stand in the sun for more than one hour for failing to properly recite the alphabet. The municipal commissioner ordered an inquiry and temporarily suspended the principal and teacher. The postmortem report attributed Shanno's death to a bout of epilepsy; her parents alleged she was a victim or corporal punishment. At year's end the Delhi High Court had not ruled on the case against her former teacher.

The government sponsored a toll-free 24-hour helpline for children in distress in 72 cities. A network of NGOs staffed the "Childline 1098 Service" number, accessible by either a child or an adult to request immediate assistance, including medical care, shelter, restoration, rescue, sponsorship, and counseling.

Child Marriage.—The law sets the legal age of marriage for women at 18 and men at 21. The law prohibits child marriage in any form and empowers courts to annul such marriages. It also sets penalties for persons who perform, arrange, or participate in such marriages. However, in practice the law was not enforced. The law does not characterize a marriage between a girl below age 18 and a boy below age 21 as "illegal" but recognizes such unions as void and voidable, providing grounds for such unions to be challenged in court.

UNICEF's State of the World's Children 2011 report stated that 43 percent of women were married before age 18. In comparison, men got married at a median age of 23.4 years. In February 2010 the Health and Family Welfare Ministry reported that the national average age of marriage for women was 20.6 years in 2008,

up from 18.3 years in 2001. According to the UNICEF report, women married as children contributed to the country's high infant and maternal mortality, as early motherhood resulted in the death of 6,000 adolescent mothers each year.

The law establishes a full-time child marriage prohibition officer in every state to prevent and police child marriage. These individuals have the power to intervene when a child marriage is taking place, document violations of the law, and remove children from dangerous situations in order to deliver them to local child protection authorities.

Harmful Traditional Practices.—There is no national law addressing the practice of female genital mutilation (FGM) and cutting. According to human rights groups, between 70 and 90 percent of Bohra Muslims practiced various forms of FGM. The states of Maharashtra, Gujarat, Madhya Pradesh, and Rajasthan have a Bohra population estimated at one million. Late in the year, several Bohra women began an online and media campaign against FGM among the Bohra community.

Sexual Exploitation of Children.—The law prohibits child pornography and states that the legal age of consent is 18. By law it is illegal to procure a minor by any means and induce a minor into prostitution or any form of "illicit sexual intercourse," or to sell or buy a minor for the purposes of prostitution. Violators are subject to 10 years' imprisonment and a fine. Nevertheless, according to UNICEF approximately 1.2 million children were prostituted and enslaved throughout the country, and the country was a destination for child sex tourism. To prevent child sex tourism, the Ministry of Tourism adopted the code of conduct for safe tourism. The guide was posted later on the ministry's Web site and informed readers that human trafficking and sexual relationships with children are illegal.

Child Soldiers.—No information was available on how many persons under the age of 18 were serving in the armed forces. There were allegations that government-supported anti-Naxalite village defense forces recruited children. Armed groups, including Naxalites and groups in Jammu and Kashmir and in the Northeast States, were reported to be using children (see section 1.g.).

Displaced Children.—Displaced children, including refugees, IDPs, and street children, faced limits on access to government services (see also section 2.d.) and were often unable to obtain medical care, education, proper nutrition, or shelter. Such children were often physically and sexually abused and forced to work in hazardous jobs, such as rag picking (sorting garbage for recyclables). A 2011 study by Save the Children found 50,923 children below age 18 on Delhi's streets. Twenty percent of them were rag pickers, 15.2 percent were street vendors, 15 percent were beggars, 12 percent worked in roadside or repair shops, 6.2 percent worked at roadside restaurants or hotels, and 1.2 percent worked in manufacturing.

Institutionalized Children.—Weak enforcement of laws and lack of safeguards encouraged an atmosphere of impunity in group homes and orphanages. NGOs alleged that many such homes for children operated without government oversight or approval. The 2007 MWCD study stated that approximately 56 percent of institutionalized children reported being physically abused by staff. In some states, such as Uttar Pradesh and Assam, more than 80 percent of such children reported physical abuse. The reported incidence of abuse was also higher among children housed in special homes due to "conflict with the law" than among children institutionalized for other reasons.

In January, in response to an RTI petition filed by the child-rights NGO Bachpan Bachao Andolan, the Women and Child Development Department of the Government of the National Capital Territory of Delhi stated that 1,807 children had run away from 26 shelter homes run by NGOs and the Delhi government during 2006-10. According to the government's reply, this number accounted for nearly 20 percent of all children housed at the centers during the four-year period; as many of 97 percent of the runaways had not been found. The RTI reply also stated that 29 children had died in the homes from illnesses during the four-year period.

On July 30, a report by Child Rights and You (CRY), a child rights organization, stated that 1,238 children, from infants to those age 18, were reported missing between January and April. Police records for the same time period documented only 408 missing children. At a public hearing organized by CRY, parents alleged that police were refusing to file missing person reports.

On August 25, the MWCD informed parliament that there were 1,199 shelter homes supported by the central government across the country, benefiting 76,035 children. The MWCD stated that 22 states had not established state commissions for protection of child rights, as mandated under the 2005 Commission for Protection of Child Rights Act.

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

Anti-Semitism.—Jewish groups and the 1,500-person Jewish population cited no reports of anti-Semitic acts 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 constitution does not explicitly mention disability as a prohibited ground for discrimination. The Persons with Disabilities Act (PDA) provides equal rights for persons with the following disabilities: blindness, low vision, leprosy-cured (those cured of leprosy but who still lack sensation in extremities or suffer from deformity), hearing impairment, locomotor disability, mental retardation, and mental illness. The law is weakened by a clause that links implementation of programs to the "economic capacity and development" of the government.

On August 8, the Ministry of Social Justice and Empowerment (MSJE) informed parliament that the government had identified an additional 199 districts across the country as future locations for District Disability Rehabilitation Centers (DRC). The DRCs are to provide comprehensive rehabilitation services to the rural disabled, such as early detection and medical intervention/surgical correction; fitting of artificial aids and prosthetics; therapeutic services; educational services; vocational training; and community awareness. There were approximately 200 government-run centers across the country that provided comprehensive, integrated rehabilitation services to persons with disabilities.

During the year the central government relaunched the National Portal of India Web site to be accessible to all users, regardless of the device used, technology involved, or ability of the viewer. External Web sites were maintained by the respective departments, which were responsible for making the sites accessible to persons with disabilities. In 2010 the MSJE was the first government Web site to fulfill the accessibility norms for persons with disabilities.

Discrimination against persons with physical and mental disabilities in employment, education, and access to health care was more pervasive in rural areas. Despite legislation that all public buildings and transport be accessible to the disabled, there was limited accessibility. One notable exception is the Delhi metro system, which was designed to be accessible to those with physical disabilities. Mumbai installed new pedestrian crossing at busy intersections that did not have audible signals for visually impaired users. A national newspaper reported the signals were silenced after local residents complained they were too noisy.

On July 22, the Delhi government announced that it would provide free public bus passes to mentally disabled persons along with escorts.

The MHFW estimated that 6 to 7 percent of the population suffered from a mental or psychosocial disability and that 25 percent of the mentally ill were homeless. Disabled rights activists estimated that the country had 40 to 90 million persons with disabilities.

Most of those with mental disabilities were dependent on public health-care facilities and fewer than half of those who required treatment or community support services received such assistance. There was a severe shortage of trained staff; a WHO report released in September 2010 estimated that the country had less than one psychiatrist for every 300,000 persons, and most psychiatrists worked in urban areas. In rural areas the ratio shrank to less than one psychiatrist per one million persons. Continued lack of awareness about mental disability led many patients, particularly in rural areas, to seek assistance from traditional healers before seeking regular medical treatment.

The PDA requires that 3 percent of public sector jobs be reserved for persons with physical, hearing, or visual disabilities. The government continued to allocate funds to programs and NGO partners to increase the number of jobs filled. Private sector employment of persons with disabilities remained low, despite PDA benefits to private companies, where persons with disabilities constituted more than 5 percent of the workforce. The state government of Tamil Nadu passed an order in 2010 reserving 3 percent of all positions in state public services and educational institutions for physically disabled persons and in all positions where reservations were applied for Scheduled Caste/Scheduled Tribes and Backwards Classes.

The law also stipulates that 3 percent of all educational places be reserved for persons with disabilities, but the MSJE stated that students with disabilities made up only an estimated 1 percent of all students. Some schools continued to segregate children with disabilities or deny their enrollment due to lack of infrastructure,

equipment, and trained staff. UNICEF estimated that between 6 and 10 percent of all children in the country were born with disabilities. On August 10, the MHRD informed parliament that 183 students with disabilities were enrolled in central education institutions in 2010-11.

The MSJE continued to offer scholarships to persons with disabilities to pursue higher education. University enrollment of students with disabilities remained low for several reasons, including inaccessible infrastructure, limited availability of resource materials, nonimplementation of the 3 percent reserved job requirement, and harassment. For example, on June 22, a Delhi University student had to be carried up to the first floor for a bachelor of business study interview because the building did not have a ramp or elevator for physically disabled persons, nor did the department hold the interview on the ground floor.

On March 16, the MHRD informed parliament that there was no proposal to establish schools for disabled children in every district of the country. The MHRD noted that the objective of the central government-sponsored schemes "Inclusive Education for the Disabled at the Secondary State" and the "Sarva Shiksha Abhiyan" (SSA-Education for All) provided for disabled children in all government and government-aided schools. In February 2010 Delhi's SSA began training teachers to provide home tutoring for children with disabilities.

On June 6, newspapers reported that the Delhi government had not yet recruited permanent teachers for children with disabilities despite a 2009 directive from the Delhi High Court requiring that at least two special teachers be employed at each school on a permanent basis. The Delhi government claimed to have hired 300 specially trained teachers, but the Municipal Corporation of Delhi stated that such posts had not yet been created and that no teachers had been employed.

On June 26, the central government approved two new scholarship schemes for students with disabilities in Jammu and Kashmir. The schemes are to provide 1,500 scholarships for physically disabled persons to facilitate their higher education.

*National/Racial/Ethnic Minorities.*The national census does not recognize racial or ethnic groups; population is categorized by language spoken. Society has traditionally been divided into castes or clans. Caste is a complex Hindu social hierarchy traditionally based on ritual purity and occupation. While caste was outlawed in 1949, the registration of castes and tribes remains for the purpose of affirmative action programs. Article 15 of the constitution prohibits discrimination on the basis of caste, and the government continued to implement various programs to empower members of the low castes. The law gives the president authority to identify historically disadvantaged castes and tribes (who are outside of the caste system) for special quotas and benefits; these are the Scheduled Castes and Scheduled Tribes. Discrimination based on caste remained prevalent, particularly in rural areas.

The term Dalit, derived from the Sanskrit for "oppressed" or "crushed," refers to members of what are traditionally regarded as the lowest Hindu castes, which are the Scheduled Castes (SC). Many SC members continued to face impediments to social advancement. According to the 2001 census, SC members constituted 16 percent (168.6 million persons) of the population. The MHA 2010-11 annual report noted 33,594 cases of registered crimes against SC members in 2009, compared with 33,615 cases in 2008. On March 1, the MHA informed parliament that 4,410 Dalits were hurt in various incidents and 1,683 persons were convicted of crimes against Dalits, according to NCRB records.

Although the law protects Dalits, in practice they faced violence and significant discrimination in access to services such as health care and education, attending temples, and marriage. Reports from the U.N.'s Committee on the Elimination of Racial Discrimination described systematic abuse of Dalits, including extrajudicial killings and sexual violence against Dalit women. For example, on February 7, a 16-year-old Dalit girl was mutilated when she resisted a rape attempt in Bindaki, Uttar Pradesh. The attackers cut off her nose, ear, and part of her hand and inflicted deep wounds on her legs and back. Authorities arrested the three accused youths and put them in prison. At year's end the case had not gone to trial.

Many Dalits were malnourished. Most bonded laborers were Dalits. Dalits who asserted their rights often were attacked, especially in rural areas. As agricultural laborers for higher-caste landowners, Dalits often worked without remuneration. Crimes committed by upper-caste Hindus against Dalits often went unpunished, either because the authorities failed to prosecute or because victims did not report the crimes due to fear of retaliation.

On January 14, Purushottam Dwivedi, a member of the Uttar Pradesh state assembly from the Bahujan Samaj Party, was imprisoned for raping a minor Dalit girl in December 2010 at his home in Banda District. The girl escaped when Dwivedi allegedly attempted rape for the third time, and she was subsequently arrested on theft charges. On January 20, Uttar Pradesh Chief Minister Mayawati ordered the

suspension of four police officers and a jailer for their laxity and complicity in the case. On September 21, the CBI registered a case against Dwivedi and four others for the alleged rape. At year's end the case had not gone to trial.

NGOs reported that students were denied admission to certain schools because of their caste or were required to present caste certification prior to receiving admission. According to the executive director for the South India Cell for Human Rights Education and Monitoring, caste discrimination continued in Karnataka, particularly in rural areas. Dalits in rural Karnataka frequently were denied access to temples, clean water sources, and passage through village streets.

The Tamil Nadu Untouchability Eradication Front (TNUEF) continued to highlight continuing caste-based discrimination in the state. According to the TNUEF, many Dalits were not permitted to walk on public pathways, wear footwear, access water from public taps in upper caste neighborhoods, participate in some temple festivals, bathe in public pools, or use some cremation grounds. For example, Dalits in Perali village, Perambalur District, reported that they could not ride bicycles on streets where upper caste families reside. There were also separate temples on upper caste and Dalit streets so that the two communities could worship separately.

On June 17, the NHRC asked the Tamil Nadu government to submit a report on the alleged beating of a Dalit boy who took water from a public tap in Karikkilipalayam village, Coimbatore District. The NHRC also asked the government to report on specific steps taken to prevent future acts of discrimination against Dalits.

During the year there were reports that school officials barred Dalit children from morning prayers, asked Dalit children to sit at the back of the class, or forced Dalit children to clean school toilets while denying them access to the same facilities. There were also reports that teachers refused to correct the homework of Dalit children, refused to provide midday meals to Dalit children, and asked Dalit children to sit separately from children of upper caste families.

The federal and state governments continued to implement various programs for scheduled caste members, ostensibly to provide better quality housing, reserved seats in schools, government jobs, and access to subsidized foods, but critics claimed that many programs suffered from poor implementation and corruption.

In April 2010 members of the dominant Jat community burned 10 Dalit homes in Mirchpur, Haryana, killing 70-year-old Tara Chand and his disabled daughter Suman and injuring more than a dozen other individuals. On September 24, newspapers reported that of the 97 persons accused, 82 of them were acquitted by a Delhi court. Fifteen persons were convicted but none were found guilty of murder; three were convicted of culpable homicide not amounting to murder, with a maximum 10-year jail term. After the verdict was announced, calm prevailed, with both sides agreeing that the arrest of 97 persons was unjustified.

The issue of manual scavenging continued, and the National Advisory Council set March 2012 as the new deadline for abolishing the practice, despite the practice having been outlawed under the Employment of Manual Scavengers and Construction of Dry Latrines (Prevention) Act of 1993. On September 21, Chennai's National Commission for Scavenger's Welfare reported that men were being forced to get into sewage pits without safety measures despite orders against the practice, and requested state intervention. Violators may face up to one year's imprisonment and a fine of 2,000 rupees ($38), but the law was not enforced. In June six persons died in the Kolar Gold Fields, near Bangalore, as a result of illnesses contracted from manual scavenging.

Indigenous People.—The constitution provides for the social, economic, and political rights of disadvantaged groups of indigenous people, and the law provides special status for indigenous people, but authorities often denied them their rights. According to the Ministry of Tribal Affairs 2010-11 annual report, there were more than 700 Scheduled Tribes (ST) in the country, and the 2001 census revealed the population of scheduled tribes as 84.3 million, approximately 8 percent of the total population. In April a pilot survey to identify households below the poverty line found that Scheduled Castes and Tribes (SC/STs) constituted half of the total of poor, deprived households.

In most of the Northeastern States, where indigenous groups constituted the majority of the states' population, the laws provide for tribal rights, although some local authorities attempted to violate these provisions. The laws prohibit any nontribal person, including citizens from other states, from crossing a government-established inner boundary without a valid permit. No rubber, wax, ivory, or other forest products may be removed from protected areas without prior authorization. Tribal authorities must approve the sale of land to nontribal persons.

According to the MHA Annual Report 2010-11, there were 5,425 criminal cases reported against members of Scheduled Tribes in 2009, a slight decrease from the

5,582 cases reported in 2008. Tribal women employed as domestic workers often were neither properly paid nor protected from sexual exploitation. Land encroachment on tribal lands continued in almost every state, despite limited efforts by the states to combat it, as businesses and private parties continued to exert political influence and pressure on local governments. Those displaced by the encroachments typically were not provided with appropriate relief and rehabilitation packages.

Numerous tribal movements demanded the protection of tribal land and property rights. The government created tribal-majority states in 2000 from the Jharkhand area of Bihar and the Chhattisgarh region of Madhya Pradesh, and authorities provided local autonomy to some tribes in the northeast. Local activists claimed that the rights of tribal and rural groups under the Forest Act continued to be manipulated. Weak enforcement of the act often circumvented the free and informed consent of tribal and rural groups prior to development.

On January 6, after several rounds of talks, the Rajasthan Gujjars called off their protests for reservations for government jobs after being assured a 5 percent quota in state government posts.

On April 13, the Odisha government dismissed the resolutions of villagers claiming land rights over property the government planned to give to the Posco Steel Plant. The Odisha government sent an "assurance" letter to the Ministry of Environment and Forests (MoEF) stating that the land was free of any claims. On May 3, the MoEF granted final approval for diversion of the land. Previous environment ministry committees had concluded that the lands in question were forest land and that the Odisha government had failed to allow the villagers the opportunity to claim rights as required by the Forest Rights Act.

On June 18, the High Court of Odisha upheld the government's August 2010 decision to reject the Vedanta firm's expansion plans because the project violated environmental laws. The MoEF had rejected the Vedanta firm's mining project in Odisha's Niyamgiri hills, home of the Dongria Kondh tribe, citing breach of environmental law and concerns over the rights of local tribes.

Civil rights organizations working with indigenous persons in Kodagu District, Karnataka, alleged that more than 1,600 families had been evicted since 1972 in state efforts to promote tourism. As of September 732 families were identified by the state government for compensation and received housing sites, 356 families moved to other locations, and 512 families were waiting to return to homes in Kodagu District.

There were no developments in the trial of Anil Dubey, a former leader of the Hindu chauvinist political party Shiv Sena, who in February 2010 allegedly raped and set on fire a 19-year-old tribal teacher in Barwani, Madhya Pradesh. The victim suffered serious burns and was hospitalized; Dubey was arrested and charged under the Scheduled Castes and Tribe (Prevention of Atrocities) Act.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—In 2009 the Delhi High Court overturned a portion of section 377 of the penal code, which prohibited same-sex sexual activity. Section 3.7 still applies to cases involving minors or coercive sex. While a few groups and individuals challenged the ruling in the Supreme Court, within a few days of the announcement the government decided not to oppose the verdict. The Supreme Court did not render a judgment on the appeal by year's end. The law was still used sporadically to target, harass, and punish lesbian, gay, bisexual, and transgender (LGBT) persons.

Although LGBT groups were active throughout the country, sponsoring events and activities including rallies, gay pride marches, film series, and speeches, they faced discrimination and violence in many areas of society, particularly in rural areas. Activists reported that transgender persons who were HIV-positive often had difficulty obtaining medical treatment. Activists also reported that some employers fired LGBT persons who were open about their sexual orientation or gender identity. LGBT persons also faced physical attacks, rape, and blackmail. Some police committed crimes against LGBT persons and used the threat of arrest to coerce victims not to report the incidents. Several states, with the aid of NGOs, offered police education and sensitivity trainings.

On July 4, Health Minister Ghulam Nabi Azad stated during an AIDS conference in New Delhi that men having sex with men is a "disease" and "unnatural."

The benefits accorded to transgender persons vary across the country. Tamil Nadu established a transgender welfare board in 2008 and provided separate identity and ration cards to transgender persons. In November 2010 the state of Karnataka announced that transgender persons would be included in the "Backward Classes" list, making them eligible for pensions, ration cards, and housing assistance under a reservation scheme. The National Legal Services Authority included transgender persons in the definition of marginalized groups, enabling access to free legal aid.

On July 12, newspapers reported that military police charged with protecting the South Central Railway arrested 212 transgender persons during 564 coordinated campaigns in Hyderabad during the month of June "to eradicate the alleged menace of eunuch." Authorities reportedly filed charges against 201 of those arrested. Trials were pending for 26 persons; 11 were sentenced to imprisonment, and approximately 35,000 rupees ($665) in fines were collected.

There were a few positive developments for transgender persons during the year. For example, on March 3, newspapers reported that voters in Tamil Nadu had been able to enroll under the "others" category in the voter list. In the Chennai District, 292 transgender persons were enrolled as "others," as were 209 persons in Tiruvallur District. On April 5, the names of 30 transgender voters in Kancheepuram District were included as "other" in the supplementary voter list. On August 8, the Ministry of Social Justice and Empowerment informed parliament that the ECI had directed the chief electoral officers in all states to modify electoral rolls to include the option of "other" under sex for eunuchs and transgender persons.

Other Societal Violence or Discrimination.—According to the 2010-11 annual report of NACO, the government agency responsible for monitoring HIV/AIDS, there were approximately 2.3 million persons with HIV/AIDS in the country, and according to the International Labor Organization (ILO), as many as 70 percent faced discrimination. HRW reported that many doctors refused to treat HIV-positive children and that some schools expelled or segregated children because they or their parents were HIV-positive. Many orphanages and other residential institutions rejected HIV-positive children or denied them housing. Incidents of discrimination were more frequent in rural areas.

The government continued its efforts to stop the spread of HIV/AIDS by working with NGOs to deploy targeted interventions, improve communication and condom promotion, and provide sexually transmitted infection care and referrals for HIV testing and antiretroviral treatment (ART) to high risk groups and bridge populations. A new migrant strategy was launched to provide HIV prevention services to migrants in 108 source districts and 47 transit districts, as well as targeted intervention projects working in destination districts.

Social activists working with HIV-affected individuals claimed that they still were being denied basic rights to education, employment, and nutrition. For example, on June 3, three sisters living in Khadsaliya village, Gujarat, committed suicide by drinking pesticide. Their mother had died of AIDS in 2008. The sisters felt stigmatized because they were HIV-positive and allegedly were treated as untouchables when they ventured outside their home.

The Tamil Nadu State Aids Control Society (TANSACS) continued its work to prevent the spread of HIV by providing funding for NGOs, medical service, and prevention measures. In Tamil Nadu government-run clinics provided free ART drugs. According to TANSACS and the Health and Family department of Tamil Nadu, there were 43 state-run ART centers. The Tamil Nadu government also supported 30 community care centers providing treatment, care, and support to people with HIV/AIDS. A state government order assisted women with HIV to obtain bank loans through self-help groups. Six women were trained in starting small businesses by the Central Leather Research Institute in Chennai. The state government provided free bus passes to HIV-positive individuals so that they could access treatment.

Societal violence based on religion continued to be a concern. According to the MHA's most recent annual report, 111 persons died in altercations between religious communities in 2010.

Civil society activists continued to express concern about the Gujarat government's failure to arrest those responsible for communal violence in 2002 that resulted in the killing of more than 1,200 persons, the majority of whom were Muslim. The Gujarat government appointed the Nanavati-Mehta Commission to investigate the violence in 2002. In June the Gujarat government gave the commission another extension, asking it to submit its report by December 31, 2011. On December 21, the commission received its 17th extension; the new deadline was March 31, 2012, for submission of its final report. The Supreme Court appointed a Special Investigative Team (SIT) in 2008. In May 2010 the SIT submitted to the Supreme Court its final report on the complaint filed by Zakia Jafri, which blamed Gujarat Chief Minister Narendra Modi and 60 others for complicity in the communal violence. The court did not release the contents of the report to the public. On March 15, the Supreme Court asked the SIT to conduct a further probe and requested that the civil society activist and senior counsel, Raju Ramachandran, conduct an independent probe into the SIT findings. The SIT submitted its report to the Supreme Court on April 25, and on July 25, the SIT also submitted to the Supreme Court two status reports on the nine other cases of Gujarat communal violence from 2002. The SIT told the Supreme Court that trials in seven cases were nearing completion and that

the statements of witnesses were being recorded in the other two cases. Ramachandran submitted his report on July 25. On September 12, the Supreme Court referred Zakia Jafri's complaint to the Gujarat state courts. The Supreme Court directed the trial court to consider the SIT report and Ramachandran's report and decide if a criminal complaint could be filed against Modi and 60 others.

Other forms of societal violence occurred. For example, in October the body of seven-year-old Lalita Tati was found in Chhattisgarh after she was reported missing. Police stated that she was ritually sacrificed by two farmers and her liver offered to the gods to improve their harvest. The two men were arrested. There were confirmed reports of human sacrifice from other rural areas in the country. The sacrifices by witchdoctors and indigenous rural dwellers are believed to appease the gods, spirits, and deities.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law allows workers to form and join unions of their choice; however, in some states registration of a trade union is subject to prior permission from the state government. The right to form unions and the right to collective bargaining are provided for by law. However, there is no legal obligation on employers to recognize a union or engage in collective bargaining. The law protects the right to strike, but in export processing zones (EPZs) a 45-day notice is required due to the EPZs' designation as "public utilities." In addition employee-only restrictions on entry to the EPZs limited union organizers' access. Public employees have limited organizing rights and may not strike. The law allows the government to ban strikes in government-owned enterprises and requires arbitration in specified essential industries; interpretations vary from state to state. State and local authorities occasionally used their power to declare strikes illegal and to force adjudication. The law prohibits retribution by employers against employees involved in legal strike actions. The law prohibits antiunion discrimination and provides for the reinstatement of employees fired for union activity. There were no recorded instances of sanctions on or retribution against employees during the reporting period.

Enforcement of labor laws varies from state to state and from sector to sector. Most of the country's union members were in the formal sector; trade unions represented a small number of agricultural and informal sector workers. An estimated 80 percent of unionized workers were members of unions affiliated with one of five major trade union federations. Four of the five major trade union federations are associated with major political parties. All the unions, however, are independent of the government. Unaffiliated unions generally were not able to secure the protections and rights the law provides. In practice legal protections of worker rights, including freedom of association, were effective only in the organized industrial sector, in which authorities generally prosecuted and punished persons responsible for intimidation or suppression of legitimate trade union activities. When parties cannot agree on equitable wages, the government may establish a board composed of union, management, and government representatives to make a determination. Specialized labor courts adjudicate labor disputes, but there were long delays and a backlog of unresolved cases. EPZ workers often were employed on temporary contracts. Workers stated that they feared that complaints about substandard working conditions would result in their dismissal. Since employers are not legally obligated to recognize a union, some employers established and recognized company unions or "worker committees" rather than allowing representative unions, the threshold for which is a simple majority of the regular workers. Furthermore, some companies refused to recognize new unions; for example, a General Motors factory in Gujarat refused to recognize a new union, the Gujarat Kamgar Mandal, claiming that it was not a representative union.

In September 2010, after weeks of negotiations, a group of Foxconn India employees went on strike at a facility in Chennai, demanding wage increases and union recognition. The Tamil Nadu Labor Department declared the strike illegal because no prior notice was given to Foxconn management. Foxconn was located in an EPZ, and the law requires that unions in EPZs must provide a strike notice. In October 2010 numerous employees occupying the facility were arrested but were granted bail almost immediately. At year's end Foxconn had not recognized the union. In October workers at the Manesar, Haryana, factory of the Maruti-Suzuki company went on a strike demanding, among other things, the formation of a new union. Following protracted negotiations between the workers and the management, the strike was called off and no new union was formed.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or bonded labor. Enforcement and compensation for victims were the responsibility of state and local governments and varied in effectiveness. Inadequate resources and soci-

etal tolerance of forced labor were important factors. When inspectors referred violations for prosecution, long court backlogs and inadequate prosecution sometimes resulted in acquittals. Prison sentences for employers of forced laborers could be as long as three years, but successful prosecutions were rare.

The Ministry of Labor continued to partner with the NHRC and NGOs to investigate allegations of bonded labor. During the year the ministry expanded the convergence program to prevent bondage to the states of Andhra Pradesh and Orissa. Established with the ILO in late 2009 in the states of Tamil Nadu, Andhra Pradesh, Haryana, and Orissa, the initiative integrated existing government programs to target workers vulnerable to bonded labor, starting with the brick kiln and construction sectors.

On March 31, the Ministry of Labor reported that 289,327 bonded laborers had been identified and released and 269,365 laborers had been rehabilitated since a 1976 law abolishing bonded labor went into effect.

On March 8, newspapers reported that the state government of Orissa abolished the traditional practice of semibonded labor called the "bartan" after pressure from social activists and intervention from the NHRC. Under the practice upper caste families extracted work from barbers and washermen for as little as 15 kilograms (33 pounds) of paddy rice a year.

Kerala police reported registering 399 human trafficking cases between March and September and rescuing 637 victims. The majority were bonded laborers working in hotels and restaurants, brick kilns, and the construction industry. Kerala police arrested 244 individuals allegedly involved in human trafficking during the initiative. At year's end the cases were under investigation.

Forced labor practices remained widespread. Estimates of the number of bonded laborers in the country varied widely; several NGOs placed the number in the millions. Most bonded labor occurred in agriculture. According to NGOs, nonagricultural sectors that had a high incidence of bonded labor were stone quarries, brick kilns, rice mills, construction, and beedi (hand-rolled cigarettes) production.

Members of Scheduled Castes and Tribes lived and worked under traditional arrangements of servitude in many areas of the country. In Arunachal Pradesh the Nishi tribe traditionally subjugated Sulungs or Puroiks as customary slaves.

Ministry of Labor statistics showed a large decrease in the number of bonded labor cases brought before the courts, although the extent to which this reflected a decrease in bonded labor was unclear. The Ministry of Labor cited fewer bonded laborers being identified and rescued as evidence and attributed the decline to various government programs aimed at tackling poverty and other social problems (see section 7.c. below).

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 is no overall minimum age for child labor. The law permits child labor with some restrictions. Children may work only for six hours a day, between 8 a.m. and 7 p.m., with one day's rest weekly. The government defines hazardous occupations and processes and prohibits work by children under age 14 in factories, mines, domestic service, carpet weaving, roadside eateries, and other areas. On April 18, the Supreme Court banned the employment of children in the circus industry and directed state governments to devise comprehensive plans to remove and rehabilitate children working in the circus industry.

The law establishes a penalty for employers of children in hazardous industries of 20,000 rupees ($380) per child employed. The fines go into a welfare fund for formerly employed children. The law does not apply to family farms or family businesses, both large sectors of the economy. Observers believed a law that came into force in April 2010 could help reduce child labor and trafficking in the long term by increasing school enrollment among otherwise vulnerable children.

State governments enforce labor laws and employ labor inspectors, while the Ministry of Labor provides oversight and coordination; however, enforcement was inadequate. For example, in August Kolkata's Telegraph newspaper reported that West Bengal had not convicted any persons for violating the Child Labor Act in 2007-08, compared with the national total of 904 convictions in the same time period.

In 2008-9 the Ministry of Labor reported 12,244 labor prosecutions and 566 convictions nationwide. Employers in cottage industries often claimed that child laborers were assisting their families, an exemption under the law. Labor inspectors also generally did not investigate family businesses, including farms, as these are not covered under the labor law. The Ministry of Labor reportedly conducted 2,860 inspections for domestic child labor (i.e., in a home) during 2008-10. It noted 2,277 violations and pursued two prosecutions, but there were no convictions.

During India Action Week in September, the NGO Bachpan Bachao Andolan, in conjunction with state governments and local police, removed 86 child laborers in Delhi alone. The children were working in scrap, leather, beedi, and purse factories. All of the children were entitled to rehabilitation packages of 20,000 rupees ($420) and priority access to government housing and education. Of the 20,000 rupees, some is given to the removed child's parents/guardians as immediate relief. The remaining money is put into a bank account to be used for the welfare of the child when the child turns 18 years of age. The rehabilitation package also includes education and mid-day meals for the child.

The Ministry of Labor reported more than 32,000 children were removed from the workforce between January and August. According to the ministry, from April 1988 until March 31, 2011, states provided assistance to 705,000 former child laborers under the ministry's National Child Labor Program.

The Ministry of Labor continued to raise awareness about child labor and coordinated its efforts with states through advertisements in leading newspapers, radio and television campaigns, and in some states through the use of street theater. In July 2010 the Ministry of Labor launched a five-year, 308.25 million rupee ($5.8 million) child labor prevention program, with an emphasis on children vulnerable to trafficking, in areas of Orissa, Madhya Pradesh, Gujarat, Jharkhand, and Bihar. Some states were in the process of implementing action plans to eliminate child labor from hazardous industries.

The incidence of child labor remained widespread. The government estimated the number of child laborers at 1.2 million; UNICEF recently estimated the number of child workers at 29 million. Some NGOs estimated that there were between 50 and 115 million child workers. Among factors contributing to the prevalence of child labor were social tolerance of the practice, weak state and federal government enforcement of existing laws, and poverty. The absence of a minimum age for employment increased the risk of children falling victim to the worst forms of child labor.

The majority of child labor occurred in agriculture and the informal economy. The following industries also reportedly used child labor: leather goods, carpets, embroidered textiles, brassware, fireworks, footwear, hand-blown glass bangles, handmade locks, hand-dipped matches, hand-quarried stones, hand-spun silk thread, handloomed silk cloth, handmade bricks, roadside restaurants, roadside auto repair shops, illegal mining, rice milling, sorting trash for items to resell or recycle, and beedi production. A number of these industries exposed children to hazardous work conditions.

Forced child labor, including bonded labor, also remained a serious problem. Children were engaged in forced or indentured labor as factory workers, domestic servants, and beggars, as well as in quarrying, brick kilns, rice mills, silk thread production, and textile embroidery.

According to the Carpet Export Promotion Council, the incidence of bonded child labor declined in formal sector carpet production due to a combination of changing market preferences and campaigns to end child labor by the government and NGOs. The Textiles Ministry, working closely with the textile industry's association, the Apparel Export Promotion Council of India, instituted a common compliance code known as Project DISHA for apparel manufacturers that emphasizes ethical standards, capacity building to meet international ethical sourcing requirements, and assessments/remediation for factories.

According to a 2009 UNICEF report, private companies in Andhra Pradesh reportedly employed 200,000 children in the hybrid seed industry. Most were girls between the ages of seven and 14; the children were predominantly Dalits and members of economically disadvantaged castes and tribal groups forced to work in debt bondage. They were abused routinely, exposed to dangerous pesticides, and denied access to education.

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.—State government laws set minimum wages, hours of work, and safety and health standards. Federal law is applicable to all industries and sets safety and health standards, but enforcement is by state governments. In 2010 the federal government set the floor minimum wage at 100 rupees per day (approximately $2) for its flagship Mahatma Gandhi National Rural Employment Guarantee program. Minimum wages varied according to the state and to the sector of industry. State governments set a separate minimum wage for agricultural workers. The law mandates a maximum eight-hour workday and 48-hour workweek, as well as safe working conditions, which include adequate provisions for restrooms, canteens, medical facilities, and ventilation. The law mandates a minimum rest period of 30 minutes after every four hours of work and premium pay for overtime. It does not mandate paid holidays and prohibits compulsory overtime.

The law does not give workers the right to leave workplaces that endanger health and safety without jeopardizing their continued employment.

Enforcement of all labor laws is done by respective state governments. State labor inspectors typically are required to enforce a minimum of at least 10 labor-related laws. Penalties are not sufficient to deter violations, and the number of inspectors was insufficient to enforce the diverse array of labor laws.

Laws on wages, hours, and occupational health and safety do not apply to the informal sector, which employed nearly 93 percent of the workforce. Violations of wage, overtime, and occupational safety and health standards were common in the informal sector. State governments did not effectively enforce minimum wage laws for agricultural workers.

Enforcement of safety and health standards was poor, especially in the informal sector but also in some formal sector industries. Workers in small, low technology factories were often exposed to hazardous working conditions. The country's undocumented foreign workers did not receive basic occupational health and safety protections.

There were no new specific government actions to prevent violations, improve wages, or improve working conditions during the year.

In a study conducted in 2009 and late 2010, the National Referral Centre for Lead Poisoning Prevention in India found dangerous levels of lead in blood samples collected from a cross-company study of workers in the country's battery industry. The government had not established biological exposure indices for lead or other hazardous chemicals for the workplace.

Industrial accidents occurred frequently. According to government statistics, there were 1,454 workplace fatalities reported from across the country in 2010. In April a fire in a Delhi shoe factory killed 10 workers. In September three people were killed and more than 15 injured in a fire at a cloth factory in Thane, Maharashtra. Chemical industries had the highest number of accidents. Safety conditions were in general better in the EPZs than in the manufacturing sector outside the EPZs.

Coal mines located in Jaintia District, Meghalaya, had poor working conditions. The privately owned mines employed mostly young adults who were not provided any protective gear. The mines had no safety systems or hardware, were unregulated, and did not fall under the ambit of the safety regulations.

Members of Scheduled Castes and Tribes, including children, often worked as rag pickers, recycling trash under hazardous and generally substandard conditions. Workers from these groups also cleaned sewers and drains of human excrement without proper equipment and under extremely unsanitary conditions.

KAZAKHSTAN

EXECUTIVE SUMMARY

The Republic of Kazakhstan has a parliamentary system dominated by President Nursultan Nazarbayev and the ruling Nur Otan Party. The constitution concentrates power in the presidency. The president controls the legislature and the judiciary as well as the regional and local government. Changes or amendments to the constitution require presidential consent. The April 3 presidential election, in which President Nazarbayev received 95 percent of the vote, fell short of international standards. The 2007 national elections for the Mazhilis (lower house of parliament), in which Nur Otan won every seat in the chamber with 88 percent of the vote, also were flawed. Some security forces reported to civilian authorities; intelligence services reported to an army general who was appointed as head of the Ministry of Internal Affairs.

The most significant human rights problems were severe limits on citizens' rights to change their government; restrictions on freedom of speech, press, assembly, and association; and lack of an independent judiciary and due process, especially in dealing with pervasive corruption and law enforcement and judicial abuse. On December 16 and 17, public violence in Mangistau Oblast fueled by a long-running strike and other social grievances left at least 17 people dead and over 100 injured.

Other reported abuses included: arbitrary or unlawful deprivation of life; military hazing that led to deaths; detainee and prisoner torture and other abuse; harsh and life-threatening prison conditions; arbitrary arrest and detention; infringements on citizens' privacy rights; restrictions on freedom of religion; prohibitive political party registration requirements; restrictions on the activities of nongovernmental organizations (NGOs); violence and discrimination against women; abuse of children; trafficking in persons; discrimination against persons with disabilities and ethnic mi-

norities; societal discrimination against gay, lesbian, bisexual, and transgender persons, and persons with HIV/AIDS; forced labor; and child labor.

The government took modest steps to prosecute officials who committed abuses, especially in high-profile corruption cases; however, corruption was widespread and impunity existed, particularly for people with connections to government or law enforcement officials.

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 December 16 and 17, law enforcement officers shot into crowds of rioters in Zhanaozen and the nearby village of Shetpe, leaving at least 17 people dead and over 100 injured. According to data from the Zhanaozen hospital, over 85 percent of patients had bullet wounds. Unconfirmed videos posted online by opposition-affiliated groups depicted law enforcement officials shooting into the crowds. Rioters began by disrupting an Independence Day celebration in the main square and set fire to the local government headquarters, local businesses, banks, and stores, which experienced heavy looting. A government-led investigation resulted in the arrests of four law enforcement officials, including three with supervisory responsibilities, for excessive use of force. The report also revealed formal corruption accusations against two previous Zhanaozen mayors, a KazMunayGaz subsidiary director, and a Munay Ecology Ltd. director. According to the report, authorities arrested 55 civilians for participation in the riots or looting.

On May 8, Dmitry Rakishev died in a Stepnogorsk pretrial detention facility after authorities arrested him for theft on April 29. Although authorities claimed that Rakishev died of pneumonia or tuberculosis aggravated by broken ribs incurred by falling from his bed, human rights activists asserted that detention center staff abused him and caused his death. On October 19, police opened a criminal investigation in connection with Rakishev's death. On December 20, the investigation was completed, and the case was forwarded to the courts. The former Director of the Stepnogorsk pretrial detention facility D. Abetov was charged for failure to take action.

Military hazing led to deaths, suicides, and serious injuries. For example, on June 8, military hazing, including abuse and extortion of money by older soldiers for over three months, led conscript Madi Aytakhynov to commit suicide. The Prosecutor General's Office (PGO) arrested two suspects in an ongoing investigation.

The government reported 15 incidents of nonlethal military hazing during the year. The government did not publish statistics on the number of deaths linked to hazing during the year. The number of suicides in the army decreased significantly from the previous year. Authorities reported two suicides. There were 17 in 2010.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture; nevertheless, the police and prison officials regularly beat and abused detainees, often to obtain confessions. For example, on March 6, police beat Saran student Mikhail Lutoshkin to obtain a confession in connection with the theft of a cell phone. A city court convicted the head of the Saran Criminal Police, Vadim Koriaka, and officer Ruslan Aukenov, of torture and sentenced them to three-and-a-half and two-and-a-half years in prison, respectively.

Human rights activists asserted that the legal definition of torture was too vague and did not meet U.N. standards and that the penalties for the crime were too lenient. The PGO, the Presidential Human Rights Commission, and the human rights ombudsman acknowledged that some law enforcement officers used torture and other illegal methods of investigation. Human rights and international legal observers noted investigative and prosecutorial practices that overemphasized a defendant's confession of guilt over collecting other types of evidence in building a criminal case against a defendant. Courts generally ignored allegations by defendants that officials had obtained confessions by torture or duress.

At an October 2010 event hosted by the Office of the U.N. High Commissioner for Refugees (UNHCR) and several NGOs, Manfred Nowak, the U.N. special rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment, stated that according to his assessment, torture in Kazakhstan was not widespread, although a culture of impunity allowed police to use extreme methods, such as heavy beating and asphyxiation, to obtain confessions. Nowak stated that police rarely investigated complaints of torture.

The human rights ombudsman reviewed prisoner and detainee complaints. The ombudsman can either issue a recommendation directly to the relevant agency or release a public statement, although it legally cannot force compliance with its recommendations. The Coalition of NGOs against Torture received 156 complaints dur-

ing the year. Local NGOs reported that the government acknowledged publicly that torture was a problem.

The government charged 97 military service members with crimes related to military hazing and abuse of power during the year, compared with 162 in 2010.

The government investigated some allegations of conscript hazing and prosecuted soldiers who engaged in this abuse, forwarding 12 hazing cases to the courts, resulting in 10 convictions. The Ministry of Defense continued unannounced inspections and required systematic reports from senior officers about hazing in their units.

Prison and Detention Center Conditions.—Prison conditions were harsh and life threatening. Facilities did not meet international health standards. Scarcity of medical care continued to be a problem. Prisoners had access to potable water. NGOs reported that approximately half of the inmate population needed professional treatment, especially for HIV/AIDS, tuberculosis, and other infectious diseases. Abuse occurred in police cells, pretrial detention facilities, and prisons. Observers cited severe overcrowding, poor treatment of inmates and detainees, and the lack of professional training programs for administrators.

According to observers, prisoners and detainees generally had reasonable access to visitors. At an October 2010 event, Special Rapporteur Nowak stated that, in his six years in office, Kazakhstan was the only country that had attempted to conceal the actual situation in its prisons. Human rights activists reported complaints that prison administrators interfered with prisoners' religious observance. The Coalition of NGOs against Torture reported an increase in the submission of all complaints from prisoners.

International NGOs expressed concern that the August 1 transfer of the penitentiary system from the Ministry of Justice back to the Ministry of the Interior could compromise the fair treatment of prisoners, and experts expressed concern that it could aggravate existing poor prison conditions.

During the year, the government reported 45 deaths in pretrial detention centers and police cells, compared with 31 in 2010, and Penal Reform International reported 299 deaths in prisons. The government reported 14 suicides in pretrial detention facilities and police cells, a decrease from 40 in 2010. Penal Reform International reported 49 suicides in prisons, up from 36 in 2010. According to the latest government statistics, there were approximately 52,000 prisoners and detainees in pretrial facilities. The government took steps to decrease the total number of prisoners. January 1 amendments to the criminal code lowered penalties for some categories of crimes, resulting in the release of 8,390 prisoners. An amnesty bill signed into law on December 29 planned the release of 2,142 prisoners, reduction of sentences for 534, and amnesty for 13,511 parolees. Although alternatives existed for sentencing non-violent offenders, officials and NGOs noted that they remained underutilized.

Incidents of inmates' self-mutilation as a protest against harsh prison conditions and abuse increased considerably, with 229 cases involving 386 inmates reported during the year; 47 were group mutilations.

On August 26, 35 prisoners in prison UZD 158/2 rioted after police suppressed a self-mutilation protest against abuse. In response to public pressure, prison administrators later admitted that officers previously applied force against 28 prisoners during a search for illegal paraphernalia. Authorities did not launch an investigation.

Civil society activists worked with the councils for public oversight of the Ministry of Justice and the Ministry of Internal Affairs, as well as the human rights ombudsman's Countertorture Working Group, to monitor the situation in prisons and detention facilities. Many observers criticized the councils for lacking independence and clearly defined authority or power.

The government addressed systemic patterns that encouraged prisoner abuse by increasing access for regional penitentiary oversight commissions, training programs for prison officials, and police seminars. By year's end, authorities had prosecuted 132 law enforcement officials for abuses, compared with 48 in 2010. Authorities investigated six law enforcement officers on torture charges, and courts convicted four.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, but problems remained.

Role of the Police and Security Apparatus.—The Ministry of Internal Affairs supervises the national police force, which has primary responsibility for internal security, including investigation and prevention of crimes and administrative offenses and maintenance of public order and security. The Agency for Combating Economic and Corruption Crimes (Financial Police) has administrative and criminal investigative powers. The Committee for National Security (KNB) plays a role in border security, internal security, antiterrorism efforts, and the investigation and interdiction of illegal or unregistered groups, such as extremist groups, military groups, political

parties, religious groups, and trade unions. The KNB, Syrbar (a separate foreign intelligence service), and the Financial Police report directly to the president. The April 12 appointment of General Kalmukhanbet Kasymov ended a tradition of civilian interior ministers.

During the year the government accepted 4,150 complaints on the Minister of Internal Affairs' blog, 329 of which related to police corruption and abuse. A separate Ministry of Internal Affairs blog designed to register complaints against law enforcement officials received 390 complaints. The majority of ministers, including the prime minister, maintained similar personal blogs.

The prosecutor general chaired a council for coordination of law enforcement operations. Staff included heads of other law enforcement agencies. Among its many duties, the council reviewed complaints against law enforcement.

The Ministry of Internal Affairs cooperated with NGOs to provide human rights training programs for local police. The government cooperated with international organizations to provide limited law enforcement training courses aimed at decreasing abuse by emphasizing investigative skill development.

Arrest Procedures and Treatment While in Detention.—Although the judiciary has the authority to sanction arrests, independent observers reported that judges usually sanctioned prosecutors' requests. Arrest data for 2010 and 2011 is unavailable. Prosecutors continued to have the power to authorize investigative actions, such as search and seizure.

Persons detained, arrested, or accused of committing a crime have the right to the assistance of a defense lawyer from the moment of detention, arrest, or accusation. The law does not require police to inform detainees that they have the right to an attorney, and in practice police did not do so. Human rights observers alleged that law enforcement officials dissuaded detainees from seeing an attorney, gathered evidence through preliminary questioning before a detainee's attorney arrived, and, in some cases, used corrupt defense attorneys to gather evidence. The law states that the government must provide an attorney for an indigent suspect or defendant when the suspect is a minor, has physical or mental disabilities, or faces serious criminal charges. In practice public defenders often lacked the necessary experience and training to assist defendants. Defendants are barred from freely choosing their defense counsel if the cases against them involve state secrets. The law only allows lawyers who have special clearance to work on such cases.

Arbitrary Arrest.—Prosecutors reported continuing problems with arbitrary arrest and detention of citizens. According to the government, police did not detain any individuals illegally in police cells or pretrial detention facilities; however, unverified media reports recorded 18 incidents of illegal detention by police during the year, and the Prosecutor General's Office reported the release of 1,063 individuals illegally detained and held in police offices, 490 of whom were minors and 93 of whom were women.

The government occasionally arrested and detained government opponents and critics, sometimes for minor infractions such as unsanctioned assembly, which incurred either fines or 10 days of administrative arrest. There were no allegations of prolonged detention for political offenses.

Pretrial Detention.—The law allows police to hold a detainee for 72 hours before bringing charges. Human rights observers criticized this period as too lengthy and said that authorities often used this detention to exert pressure and extract confessions. A bail system exists but was not used widely, and many individuals remained in pretrial detention until their trial. By law prisoners are granted prompt access to family members; however, prisoners sometimes are sent to facilities located far from their homes and relatives, and thus access is restricted for those who cannot afford to travel.

Amnesty.—An amnesty bill signed into law on December 29 planned the release of 2,142 prisoners, reduction of sentences for 534, and amnesty for 13,511 parolees.

e. Denial of Fair Public Trial.—The law does not provide for an independent judiciary. The executive branch limited judicial independence. Prosecutors enjoyed a quasi-judicial role and had the authority to suspend court decisions.

Corruption was evident at every stage of the judicial process. Although judges were among the most highly paid government employees, lawyers and human rights monitors alleged that judges, prosecutors, and other officials solicited bribes in exchange for favorable rulings in the majority of criminal cases. On April 15, the Senate dismissed six of the country's 44 Supreme Court judges, and subsequently replaced the chief justice. In July, the Ministry of Justice fired 35 judges and recommended to the president that an additional 52 also be fired. The ministry promised to monitor an additional 103 judges closely for signs of corruption.

Military courts have jurisdiction over civilian criminal defendants allegedly connected to military personnel undergoing a criminal trial. Military courts use the same criminal code as civilian courts.

Trial Procedures.—All defendants enjoy a presumption of innocence and are protected from self-incrimination. Trials are public except in instances that could compromise state secrets or when necessary to protect the private life or personal family concerns of a citizen. Nevertheless, there were several reported cases of journalists and observers denied access to open court hearings. Only defendants charged with capital crimes are entitled to trial by jury.

Courts conducted jury trials for aggravated murder cases. Observers noted that the juror selection process was inconsistent and that judges, who deliberated with the jurors, tended to dominate the process. The government reported that there were 355 jury trials during the year, in which 461 defendants were convicted and 30 were acquitted.

Defendants in criminal cases have the right to counsel and to a government-provided attorney if they cannot afford counsel. Under the criminal procedure code a defendant must be represented by an attorney when the defendant is a minor, has mental or physical disabilities, does not speak the language of the court, or faces 10 or more years of imprisonment. In practice defense attorneys reportedly participated in only half of all criminal cases, in part because the government did not provide sufficient funds to pay them. The law also provides defendants the right to be present at their trials, to be heard in court, to confront witnesses against them, and to call witnesses for the defense. They have the right to appeal a decision to a higher court. According to observers, defense attorneys played a narrow role in trials, which were dominated by prosecutors.

Domestic and international human rights organizations reported numerous problems in the judicial system, including lack of access to court proceedings, lack of access to government-held evidence, frequent procedural violations, poor explanation of rights to defendants, denial of defense counsel motions, and failure of judges to investigate allegations that authorities extracted confessions through torture or duress. Activists called for the use of juries for a wider range of trials. Lack of due process was a problem, particularly in a handful of politically motivated trials involving protests by opposition activists and in cases in which improper political or financial influence was alleged.

On January 18, a prison commission denied human rights activist Yevgeniy Zhovtis's petition for early release following an administrative reprimand for watching a the World Cup final match after "lights out." On August 2, the commission denied Zhovtis's second application for early release due to his February 10 administrative reprimand after a dispute with fellow prisoners over his ability to eat food brought in from outside the prison. Local human rights activists and international NGOs insisted that the parole denials were politically motivated and based on arbitrary administrative reprimands. In September 2009 a court had sentenced Zhovtis to four years in prison for vehicular manslaughter, stemming from a July 2009 accident in which Zhovtis struck and killed a pedestrian with his car. Local and international observers strongly criticized the trial for numerous procedural violations. Higher courts rejected two subsequent appeals. Some observers alleged that the sentence imposed on Zhovtis, a critic of the government, was harsh and politically motivated.

Political Prisoners and Detainees.—Local and international human rights NGOs have asserted that the prison sentence imposed on Yevgeniy Zhovtis amounted to a politically motivated attempt to silence a vocal critic at a sensitive time. Although Zhovtis was monitored closely in prison, he was allowed to publish articles and release statements. Prison administrators approved two of his requests to leave the penal colony temporarily but did not grant him permission to work permanently outside the colony. Authorities allowed NGOs and diplomats frequent access to Zhovtis. The general prisoner amnesty signed on December 29 planned Zhovtis's release for early 2012.

Civil Judicial Procedures and Remedies.—Economic and administrative court judges handle civil cases under a court structure that largely mirrors the criminal court structure. The law and constitution provide for the resolution of civil disputes in court. In practice, observers viewed civil courts as corrupt and unreliable. Observers noted that litigants experienced difficulty in having judgments enforced, particularly if they did not agree to pay a percentage to the court administrator.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit privacy violations; however, the government at times infringed on these rights.

The law provides prosecutors with extensive authority to limit citizens' constitutional rights. The KNB, the Ministry of Internal Affairs, the Financial Police, and other agencies, with the concurrence of the PGO, may infringe on the secrecy of private communications and financial records, as well as on the inviolability of the home. Courts may hear an appeal of a prosecutor's decision but cannot issue an immediate injunction to cease an infringement. In June 2009 parliament amended the criminal procedure code to expand the range of cases in which police could wiretap and record communications without a warrant by allowing wiretapping in cases of medium gravity, as well as in urgent and grave ones, which was previously the standard.

Government opponents and their family members continued to report that the government occasionally monitored their movements and telephone calls.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution and the law provide for freedom of speech and of the press; however, the government used a variety of means, including laws, harassment, licensing regulations, Internet restrictions, and criminal and administrative charges to control the media and limit freedom of expression. Judicial actions against journalists and media outlets, including civil and criminal libel suits filed by government officials, contributed to the suspension of media outlets and self-censorship.

Freedom of Speech.—The government limited individuals' ability to criticize the country's leadership, and regional leaders attempted to limit local media outlets' criticism of them. The law prohibits insulting the president, the president's family, and other senior officials.

Freedom of the Press.—According to official statistics, the government owned 15 percent of the 3,018 media outlets. Many privately owned newspapers and television stations received government subsidies. Companies allegedly controlled by members of the president's family or loyal associates owned the majority of those broadcast media outlets that the government did not control outright. Media observers believed that most of the seven nationwide television broadcasters were owned wholly or partly by the government. Regional governments owned several frequencies, and the Ministry of Communications and Information distributed them to independent broadcasters via a tender system.

All media were required to register with the Ministry of Communications and Information, although Web sites were exempt from this requirement. The most recent government frequency tenders in 2009 and 2008 led to charges of corruption and inequity in the licensing process.

The law limits the rebroadcast of foreign-produced programming to 20 percent of a station's total airtime. This provision burdened smaller, less developed regional television stations that lacked resources to develop programs, although the government did not sanction any media outlet under this provision.

Violence and Harassment.—Harassment of, and violence against, journalists decreased. During the year press advocacy NGO Adil Soz recorded 14 attacks on newspaper offices and journalists, compared with 20 in 2010. According to the NGO, reporters were prevented from performing their professional duties in 43 instances, compared with 46 the previous year, and journalists were denied or given significantly restricted access to public information 307 times, compared with 368 in 2010. Journalists working in opposition media and those covering corruption reported harassment and intimidation by government officials and private actors.

On March 30, unknown assailants beat Svoboda Slova newspaper journalist Igor Larra on his way home from work, allegedly for his reporting on striking oil workers in Zhanaozen. Police did not apprehend any suspects.

Censorship or Content Restrictions.—The law enables the government to restrict media content under amendments that prohibit undermining state security or advocating class, social, race, national, or religious superiority, or cruelty and violence. Owners, editors, distributors, and journalists may be held civilly and criminally responsible for content unless it came from an official source. The government used this provision to limit media freedom.

Libel Laws/National Security.—The law on state secrets makes it a criminal offense to release information regarding the health, finances, or private life of the president, as well as economic information, such as mineral reserves and government debts to foreign creditors. To avoid possible legal problems, media outlets often practiced self-censorship regarding information on the president or his family.

Private parties could initiate criminal libel suits without independent action by the government, and an individual filing such a suit would be able to file a civil suit as well based upon the same allegations. Officials used the law's restrictive libel

and defamation provisions to constrain media outlets from publishing unflattering information. Both the criminal and civil codes contain articles establishing broad liability for libel, with no statute of limitation or maximum amount of compensation. The requirement that owners, editors, distributors, publishing houses, and journalists prove the veracity of published information, regardless of its source, promoted self-censorship at each level.

NGOs and monitors reported that libel cases against journalists and media outlets remained a problem. During the year Adil Soz cited 27 criminal and civil lawsuits filed against media outlets and journalists, compared with 85 in 2010. During the year five journalists were serving prison sentences.

Publishing Restrictions.—The law prohibits publication of any statement that promotes or glorifies "extremism," a term that international legal experts said the government had not clearly defined. The government subjected media outlets willing to criticize the president directly to intimidation, such as law enforcement actions or civil suits. Although these actions had a chilling effect on media outlets, criticism of government policies continued. Incidents of local government pressure on the media continued. Journalists in western Kazakhstan reported frequent telephone calls and threats by security services and local government administrations to amend or rescind articles related to the April 3 presidential elections or national security matters.

Internet Freedom.—Observers reported that the government monitored e-mail and Internet activity, blocked or slowed access to opposition Web sites, and planted progovernment propaganda in Internet chat rooms. The state regulated the country's three Internet service providers, including the state-owned Kaztelecom. Nevertheless, Web sites expressed a wide variety of views, including viewpoints critical of the government.

The Ministry of Communications and Information controlled the registration of ".kz" Internet domains. Authorities may suspend or revoke registration for failure to locate servers in the country. Observers criticized the registration process as unduly restrictive and vulnerable to abuse.

Adil Soz reported cases of the government's blocking or restricting access to Web sites and the government's intermittent blocking of the Web site LiveJournal throughout the year, although the site remained accessible through other servers. Bloggers reported anecdotally that their sites periodically were blocked.

On August 19, a court ruling blocked the use of over 20 foreign Web sites, including the liveinternet.ru and livejournal.com Web sites, that "promoted terrorism and religious extremism," and could "incite people to commit terrorist acts and make bombs," according to a court official. Internet freedom advocates asserted that the blockages occurred without providing the domain owners an opportunity to investigate and remove content promoting violence. In a September 15 statement, the Ministry of Communications and Information claimed to have notified the blocked sites before and after the court ruling and promised to restore access once site administrators removed inappropriate content.

Throughout the year the Committee to Protect Journalists reported that the Web site of opposition newspaper Respublika remained inaccessible by users of Kaztelecom, the government-owned Internet service provider. Users were able to access the newspaper online by use of alternative Web addresses.

Academic Freedom and Cultural Events.—The government generally did not restrict academic freedom, although academics, like other citizens, were prohibited from infringing on the dignity and honor of the president and his family.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for limited freedom of assembly. There were significant restrictions on this right in practice, and police used force to disrupt peaceful demonstrations. For example, on May 1, Almaty police disrupted an unsanctioned Socialist Movement rally and struck activist Aynur Kurmanov in the head, forcing him to spend a week in the hospital. Authorities briefly detained and fined a number of activists. According to Kurmanov, authorities rejected all of the organization's more than 100 requests to protest during the year.

The law defines national security threats to include unsanctioned gatherings, public meetings, marches, demonstrations, illegal picketing, and strikes that upset social and political stability.

Under the laws governing public assembly, organizations must apply to local authorities for a permit to hold a demonstration or public meeting at least 10 days in advance. Opposition figures and human rights monitors complained that complicated and vague procedures and the 10-day notification period made it difficult for groups to organize public meetings and demonstrations, and noted that local authorities turned down many applications for demonstrations. Authorities often de-

tained briefly and fined organizers of unsanctioned gatherings, including political party gatherings. For example, unregistered Alga party representatives reported that authorities interfered with protests to boycott the April 3 presidential election. The Kazakhstan International Bureau for Human Rights and Rule of Law recorded 102 peaceful demonstrations during the year, 93 percent of which were unsanctioned. Authorities disrupted eight demonstrations. The government designated locations for sanctioned protests in less populous city outskirts.

Kazakhstan's National Human Rights Action Plan 2009-12 noted that the country's legal norms on public gatherings at times contradicted international standards, but the government has not introduced changes foreseen in the plan. The Presidential Human Rights Commission Secretary explained on March 28 that the government stopped drafting a new law on peaceful assembly because of violent protests abroad.

Freedom of Association.—The law provides for limited freedom of association. There were significant restrictions on this right in practice. Any public organization set up by citizens, including religious groups, must be registered with the Ministry of Justice, as well as with ministry branches in every region in which the organization conducts activities. The law requires public or religious associations to define their specific activities, and an association that acts outside the scope of its charter may be warned, fined, suspended, or ultimately prohibited. Participation in unregistered public organizations may result in administrative or criminal liability, such as fines, dissolution, probation, or imprisonment.

The prohibition on unregistered organizations often provided a pretext for authorities to interfere with the activities of organizations. Membership organizations other than religious groups, which are covered under separate legislation, must have 10 members in order to register at the local level and must have branches in more than half of the country's regions for national registration. The government considered political parties and labor unions to be membership organizations but had additional specific registration requirements for them. The law requires 40,000 signatures for registration. If authorities challenge the applications by alleging irregular signatures, the registration process can continue so long as the total number of eligible signatures remains above the minimum. The law prohibits parties established on an ethnic, gender, or religious basis. The law prohibits members of the armed forces, employees of national security and law enforcement organizations, and judges from participating in trade unions or political parties.

On February 28, an appeals court upheld the rejection of a lawsuit filed by the Azat/National Social Democratic Party (Azat/NSDP) against the Ministry of Justice. Although both parties retain their separate registration, the ministry had refused to reregister Azat/NSDP as a joint party in June 2010 due to discrepancies between the Russian and Kazakh language versions of the party charter.

NGOs reported that the NGO registration process was straightforward, although corruption in the process was common. NGOs involved in human rights advocacy and political activities faced greater administrative delays and obstacles, although there were no reports that the government denied registration or closed organizations.

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 despite some regulatory restrictions, the government generally respected these rights in practice. The government cooperated with the UNHCR and other humanitarian organizations to provide protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement.—The government required citizens and foreigners who remained in the country for more than five days to register with migration police. Foreigners who entered the country had to register at certain border posts. Registration in most of the country generally was routine; nonetheless, some foreign citizens reported that local authorities occasionally requested bribes before completing registration. Migration police routinely checked the registration of foreigners, including labor migrants, and reportedly requested bribes. Some foreigners experienced problems travelling to regions outside their registration area. June 22 amendments to the law on migration eased registration requirements for ethnic Kazakh returnees (oralmans). An August 24 agreement on the legal status of migrant workers granted an exemption for families of migrant workers from registration for a 30-day period after the worker started employment. The new migration law granted the govern-

ment the authority to deport those who violate the regulations, while the previous law restricted deportation to certain cases.

During the first nine months of the year, the Ministry of Internal Affairs deported 12,644 foreigners for alleged gross violations of the visitor rules; the majority of the foreigners were citizens of countries in the Commonwealth of Independent States (CIS). Individuals facing deportation can request asylum if they fear persecution in their home country. The government required persons who were suspects in criminal investigations to sign statements that they would not leave their place of residence and detained individuals routinely for identity checks without suspicion of a criminal offense.

Foreign Travel.—Although the government did not require exit visas for the temporary travel of citizens, there were certain instances in which the government could deny exit from the country, including for travelers subject to pending criminal or civil legal proceedings, unfulfilled prison sentences, or compulsory military duty. Travelers who presented false documentation during the exit process could be denied exit, and authorities controlled travel by active-duty military personnel. The law on national security requires that persons who had access to state secrets obtain permission from their employing government agency for temporary exit from the country.

Emigration and Repatriation.—The law provides for the right to emigrate and the right to repatriate, and the government generally respected these rights in practice. An exception is the law on national security, which prohibits persons who had access to state secrets from taking up permanent residence abroad for five years after leaving government service. The government required a permanent exit visa for emigration; obtaining this visa required criminal checks, credit checks, and letters from parents and any dependents expressing no objection to exit visa issuance.

Authorities required foreigners to obtain prior permission to travel to certain border areas with China and cities in close proximity to military installations. The government continued to declare particular areas closed to foreigners due to their proximity to military bases and the space launch center at Baikonur. In practice, foreigners could visit these areas with prior permission from the Ministry of Internal Affairs.

Protection of Refugees.—The government cooperated with the UNHCR and other organizations to provide some protection and assistance to refugees from 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.

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 law does not prohibit forced exile if authorized by an appropriate government agency or through a court ruling. The UNHCR legally can appeal to the government and interfere on behalf of an individual if facing deportation. The law on refugees, which a number of regulations and by-laws implement, regulates the granting of asylum and refugee status.

Access to Basic Services.—The law on refugees outlines refugee status determination (RSD) procedures and access to state services, including the right to be registered and issued documents. The Committee on Migration under the Ministry of Labor and Social Protection conducts RSD procedures. Observers stated that committee representatives suffered from lack of expertise, which the UNHCR attributed to rushed implementation of the law. While the law stipulates that refugees have the right to education and social services, administrative regulations and prohibitive costs for services often precluded this right in practice. Authorities have formed an interministerial working group with the UNHCR to address these problems.

The government generally registered asylum seekers and determined their status in consultation with the UNHCR. In some cases, the government allowed asylum seekers and refugees to stay in the country while the UNHCR found third countries that would accept them. Although the government performed refugee status determinations and registered refugees present in the country, it did not accept any refugees for resettlement from third countries nor did it facilitate local integration (including naturalization.) of refugees on its territory.

Temporary Protection.—The government also provided temporary protection to individuals, including some Afghans, who might not qualify as refugees and provided it to approximately five persons during the year.

During the year the UNHCR reported generally cordial relations with the government in assisting refugees and asylum seekers. The government usually allowed the UNHCR access to detained foreigners to ensure proper treatment and fair determination of status. The government was generally tolerant in its treatment of local

refugee populations, except for a few citizens from former Soviet republics. The government often did not allow refugees without passports or those who had entered the country illegally to register.

The Committee on Migration in the Ministry of Labor and Social Protection reviewed refugee claims with the UNHCR and a local NGO, Kazakhstan International Bureau for Human Rights participating as observers. Consistent with the Minsk Convention on Migration within the CIS, the government did not recognize Chechens as refugees. Chechens were eligible for temporary legal resident status for up to 180 days, as are any other CIS citizens. This temporary registration was renewable, but local migration officials have discretion over the renewal process. In some cases they solicited bribes, exploiting the vulnerability of Chechens due to their inability to return safely to Chechnya. The government has an agreement with China not to tolerate the presence of ethnic separatists from one country on the territory of the other. Human rights monitors remained concerned about the effect of this agreement on Uighurs from China living in the country, especially following the April 2010 transfer of RSD for Uighurs from the UNHCR to the government. The government did not forcibly return any UNHCR mandate refugees.

Stateless Persons.—According to government statistics, 7,966 documented stateless persons resided in the country. The UNHCR estimated that the number of stateless persons was between 60,000 and 100,000. This group largely consisted of holders of Soviet passports who failed to renew their documents after independence, ethnic Kazakh repatriates, and labor migrants. Although provided with the same rights as individuals with resident permits, stateless persons reported difficulty finding legal employment and had limited access to education and health care. The UNHCR continued to work with government and parliament officials to obtain reliable data on stateless persons and improve the country's citizenship legislation.

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

The constitution and law provide for a democratic government with universal suffrage for those older than 18 years of age; in practice, the government severely limited the right of citizens to change their government.

Although the 2007 constitutional amendments increased legislative authority in some spheres, the constitution continues to concentrate power in the presidency. The president appoints and dismisses most high-level government officials, including the prime minister, the cabinet, the prosecutor general, the KNB chief, supreme court and lower-level judges, regional governors, and the chairman and two members of the Central Election Commission (CEC), which oversees presidential and parliamentary elections. The Mazhilis must confirm the president's choice of prime minister, and the senate must confirm the president's choice of prosecutor general, chief of the KNB, supreme court judges, and the head of the national bank. The parliament has never failed to confirm a presidential nomination. Modifying or amending the constitution effectively requires the president's consent. The 2007 constitutional amendments exempt President Nazarbayev from the two-term presidential term limit, and an amendment passed during the year gives him protection from prosecution.

Two June 2010 leader-of-the-nation laws establish President Nazarbayev as chair of the Kazakhstan People's Assembly, grant him lifetime membership on the Constitutional and Security Councils, allow him "to address the people of Kazakhstan at any time," and stipulate that all "initiatives on the country's development" must be coordinated through him.

Elections and Political Participation.—Recent Elections.—In December 2010, in accordance with the law, a group of government supporters initiated a petition process to replace two scheduled presidential elections with a 2011 referendum to extend President Nazarbayev's term until 2020. The referendum movement collected over 5 million signatures—well above the required 200,000—although there were credible reports that many were obtained by coercion. The referendum bid ultimately failed and was replaced by an early presidential election.

In the April 3 election, President Nazarbayev won 95 percent of the vote with a turnout of almost 90 percent. Following the 2011 cancellation of a referendum to extend Nazarbayev's term until 2020, parliament hastily amended the constitution and election legislation to allow for the early presidential election, which had been scheduled previously for December 2012. Despite efforts by the authorities to improve the election-related legislation, the legal framework remained inconsistent with the government's commitments to the Organization for Security and Cooperation in Europe (OSCE), as well as other international standards, including excessive restrictions on candidates' eligibility—particularly the Kazakh-language fluency requirement—as well as freedoms of assembly and expression. The lack of vibrant po-

litical discourse or opposition candidates resulted in a non-competitive environment and reflected systemic restrictions on political freedom.

The OSCE election assessment cited efforts to improve the quality of the voter lists and a high degree of professionalism demonstrated by members of the CEC. International observers rated the voting process positively in 90 percent of polling stations but negatively in 10 percent. OSCE observers cited irregularities in the counting procedure in 20 percent of precincts. According to the election law, the CEC is not required to publish detailed election results, which further diminished transparency. The OSCE and some international observation missions noted systemic problems and serious irregularities, including numerous instances of seemingly identical signatures on voter lists; cases of ballot box stuffing; and proxy, multiple, and family voting, primarily caused by continued deficiencies in poll worker and voter education. Domestic observers reported significantly inflated turnout numbers, exceeding observed turnout by as much as 21 percent.

In indirect elections on August 19, local representative bodies (Maslikhats) elected 16 Nur Otan party members to the senate. The CEC reported no complaints or irregularities. Maslikhats elect 32 of 47 senate deputies, and the president appoints 15 members, with the requirement that the appointments facilitate representation of different ethnic and cultural groups.

The 2007 elections for the Mazhilis were flawed, and President Nazarbayev's Nur Otan party, which dominates local and national government bodies, received 88 percent of the vote, winning every seat in the chamber. No other party received the 7 percent of the vote then required to obtain Mazhilis seats. The 2009 amendments to the law on elections require that the party with the second-highest vote count automatically receive seats in the Mazhilis, even if it fails to reach the 7 percent threshold.

Political Parties.—Political parties must register members' personal information, including date and place of birth, address, and place of employment. This requirement discouraged many citizens from joining political parties. There were credible allegations that authorities pressured persons entering government service to join the Nur Otan party.

At year's end, there were nine registered political parties, including the opposition parties Ak Zhol, Rukhaniyat, Auyl, and the National Social Democratic Party. On October 4, a Kazakhstani court issued a six-month ban on the Communist Party of Kazakhstan because it formed an illegal alliance with the unregistered Alga opposition party.

In order to register, a political party must hold a founding congress with minimum attendance of 1,000 delegates from two-thirds of the oblasts and the cities of Astana and Almaty. Parties must obtain at least 700 signatures from each oblast and the cities of Astana and Almaty, registration from the CEC, and registration from each oblast-level election commission.

The law prohibits parties established on an ethnic, gender, or religious basis.

Participation of Women and Minorities.—Traditional attitudes sometimes hindered women from holding high office or playing active roles in political life, although there were no legal restrictions on the participation of women and minorities in politics.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Corruption was widespread in the executive branch, various law enforcement agencies, local government administrations, the education system, and the judiciary. The Ministry of Internal Affairs, the Financial Police, the KNB, and the Disciplinary State Service Commission are responsible for combating corruption. Opposition leaders and human rights NGOs accused the government of rampant corruption.

On August 5, a court sentenced former health minister Zhaksylyk Doskaliyev to seven years in a maximum security prison for bribery and ordered the confiscation of his property. He planned to appeal the verdict.

Lower- and middle-ranking officials and minor political figures were penalized on corruption charges. The government reported that during the first 11 months of the year, 1,799 corruption crimes were disclosed, and 24 government officials were convicted. The government issued disciplinary penalties for 758 employees for corruption. In response to 2,011 cases of corruption, the Ministry for Internal Affairs dismissed 78 police officers for corruption and convicted 18. On July 19, Supreme Court Chairman Musabek Alimbekov told the media that 24 judges had been fired for incompetence since the beginning of the year. Two judges were convicted for corrup-

tion. Authorities dismissed 61 law enforcement officers for corruption during the year.

On March 24, the government launched a program aimed at combating corruption by improving citizens' awareness of recourses against corruption and increasing confidence in state institutions by 2015.

The law mandates that the government, public associations, officials, and media outlets provide citizens with information that affects their rights and interests; in practice citizens' requests for information were not fulfilled in a timely manner. NGOs reported problems with access to information from state agencies and cited red tape, poor content on official Web sites, and long lines in state agencies. Government and public employees, including parliamentarians and their spouses, are subject to financial disclosure requirements.

Although parliament published several draft laws, some parliamentary debates, and occasionally its voting record, many parliamentary activities remained outside public view. Accredited journalists and representatives of public associations could observe some parliamentary sessions via video link from a separate room. Transcripts of parliamentary sessions were not available to the public. During the year parliament closed public and media access to discussion of controversial legislation.

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

A number of domestic and international human rights groups generally operated effectively, with relative freedom to investigate and publish their findings on human rights cases. However, some government restrictions on domestic and international human rights NGO activities remained. International human rights groups reported that the government continued to monitor the activities of NGOs that worked on sensitive issues and noted government harassment, including police visits and surveillance, of NGO offices and personnel.

The Almaty Helsinki Commission, the Republican Network of Independent Monitors, the Charter for Human Rights, Penal Reform International (PRI), and Adil Soz were among the most active local human rights NGOs and occasionally faced difficulties in registering and acquiring office space and technical facilities. They also reported that the government audited their records and imposed various legal constraints. Multiple NGO activists reported heightened government monitoring prior to the April 3 presidential election and in advance of the parliamentary elections scheduled for January 15, 2012. In some instances government representatives misrepresented themselves to attend and monitor NGO events, although NGOs reported no pressure or interference. The government continued to participate in—and host NGOs in—roundtables and events on democracy and human rights.

NGOs affiliated with, or suspected of being affiliated with the opposition, reported harassment. For example, on September13, a stranger threw a bucket of printer ink at two NGO activists affiliated with the opposition People's Front, and two other unknown attackers pushed one activist to the ground before fleeing. Police opened an investigation on September 15.

U.N. and Other International Bodies.—In general, the government did not prevent international NGOs and multilateral institutions dealing with human rights from visiting the country and meeting with local human rights groups and government officials. The government cooperated with the OSCE and its field mission. The U.N. the International Organization for Migration (IOM), and the Red Crescent Society also operated freely in the country.

National security laws prohibit foreigners, international organizations, NGOs, and other nonprofit organizations from engaging in political activities. The law stipulates that a noncommercial organization must provide information to tax authorities on its founders, activities, and foreign sources of funding, as well as income, property, expenses, and employee records. International organizations are prohibited from funding unregistered entities.

Government Human Rights Bodies.—The Presidential Commission on Human Rights is a consultative and advisory body that includes members from the public appointed by the president. The commission reviews and investigates complaints, issues recommendations, monitors fulfillment of international human rights conventions, and publishes annual human rights reports in close cooperation with several international organizations, such as the UNHCR, OSCE, IOM, and UNICEF. During the year the commission received 1,624 written and oral complaints, 35 percent of which addressed religious issues and 23 percent the ineffectiveness of the judicial system. The commission does not have legal authority to remedy human rights violations or implement its recommendations.

The presidentially appointed human rights ombudsman investigated complaints by citizens of violations of their rights by state agencies, although the ombudsman

was not authorized to investigate complaints concerning the president, heads of government agencies, the parliament, the cabinet, the Constitutional Council, the PGO, the CEC, or the courts. The ombudsman's office has the authority to appeal to the president, cabinet, or parliament to resolve citizens' complaints; cooperate with international human rights organizations and NGOs; meet with government officials concerning human rights violations; visit certain facilities, such as military units and prisons; and publicize the results of investigations in the media. The ombudsman's office also published an annual human rights report. During the year the ombudsman's office occasionally briefed the media and issued reports discussing complaints it had investigated. The country has still not passed a separate law on the human rights ombudsman despite scheduling its consideration for the end of 2011 under the National Human Rights Action Plan. National and international NGOs and some parliamentarians regularly criticized the ombudsman's weakness.

Domestic human rights observers noted that although government human rights investigators did laudable work, particularly with less controversial social problems and issues involving lower-level elements of the bureaucracy, the ombudsman's office and the human rights commission were limited in their ability to stop human rights abuses or to punish perpetrators. The ombudsman's office participated in an OSCE-sponsored program to strengthen the institution and facilitate the exchange of international best practices. Observers noted that the commission and the ombudsman avoided addressing underlying structural problems that led to human rights violations.

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

The law prohibits discrimination based on race, gender, disability, language, or social status; however, the government did not effectively enforce the law. Violence against women, trafficking in persons, and discrimination against non-Kazakhs in government, persons with disabilities, and those involved with homosexual activity were problems.

Women.—Rape and Domestic Violence.—The law criminalizes rape. The punishment for rape, including spousal rape, ranges from three to 15 years' imprisonment. Out of 1,023 officially reported rape cases during the first nine months of the year, authorities charged 481 persons with criminal rape and convicted 335. Under the law a prosecutor cannot initiate a rape case absent aggravating circumstances, such as gang rape, unless the victim files a complaint. Once a complaint is filed the criminal investigation cannot be dismissed if the rape victim recants or refuses to cooperate further with the investigation. This provision was intended to protect victims from coercion. There were anecdotal reports of police and judicial reluctance to act on rape and spousal rape cases.

Violence against women, including domestic violence, was a problem. Legislation on domestic violence defines "domestic violence" and "victim;" identifies various types of violence, such as physical, psychological, sexual, and economic; and outlines the responsibilities of the local and national governments and NGOs in providing support to domestic violence victims. The law also outlines mechanisms for issuance of restraining orders and provides for the 24-hour administrative detention of abusers. The criminal procedure code sets the maximum sentence for spousal assault and battery at 10 years in prison, which is the same as for any beating.

NGOs maintain that the domestic violence law does not have an effective mechanism for implementation. According to NGOs domestic violence remained a serious problem. The Feminist League reported that the number of domestic violence crimes resulting in death or serious health repercussions remained similar to that of 2010, while the number of lighter battery incidents decreased, especially in rural areas. Although official statistics were scarce, activists estimated that one in four families experienced domestic violence. During the year the government registered 78,503 crimes against women, and Union of Crisis Centers, an NGO, recorded 23,073 complaints of domestic violence. Authorities reported 684 criminal cases of domestic violence.

Police intervened in family disputes only when they believed the abuse was life threatening. According to NGO estimates, police investigated approximately 10 percent of such cases. NGOs conducted training for police officers on how to handle victims of domestic violence.

NGOs reported that women often withdrew their complaints because of economic insecurity. When victims pressed charges for domestic violence or spousal rape, police occasionally tried to persuade them not to pursue a case. When domestic violence cases came to trial, the charge was most often light battery, for which judges sentenced domestic abusers to incarceration at a minimum-security labor colony and 120 to 180 hours of work. Sentences for more serious cases of battery, including

spousal battery, range from three months to three years of imprisonment; the maximum sentence for aggravated battery is 10 years' imprisonment.

Although the government stated that 25 crisis centers assist women and two centers assist men, NGOs reported that the number of active centers was much smaller, likely ranging from 3 to 14. All the crisis centers received funding through government and international grants to NGOs. A number of smaller NGOs provided assistance to victims, and six of the crisis centers also provided shelter for victims of violence.

Sexual Harassment.—Sexual harassment remained a problem. The law prohibits some forms of sexual harassment, but legal and gender experts regarded the legislation as inadequate. There were reports of incidents of harassment, but in no instance was the law used to protect the victim, nor were there reports of any cases prosecuted.

Reproductive Rights.—Couples and individuals have the right to decide the number, spacing, and timing of their children, and have the means to do so free from discrimination, coercion, or violence. Modern contraceptive methods were widely available. Women and men received equal treatment for sexually transmitted infections. Skilled personnel attended 100 percent of births, and 100 percent of women received at least one postnatal care visit, according to the Population Reference Bureau. According to the Ministry of Health, the maternal mortality ratio was 16.4 deaths per 100,000 live births in 2011.

Discrimination.—The constitution and law provide for equal rights and freedoms for men and women. In 2009 the president signed a new gender equality law that defines the terms "gender," "gender equality," "sexual discrimination," and "equal opportunity" and prohibits discrimination based on gender. Yet NGOs stated that no government body assumed responsibility for implementing the legislation and that the definition of gender discrimination does not comply with international standards. More women than men are self-employed or under-employed relative to their education level. According to observers, women in rural areas faced greater discrimination than women in urban areas and suffered from a greater incidence of domestic violence, limited education and employment opportunities, limited access to information, and discrimination in their land and property rights. According to the World Bank Women Business and the Law report, women in Kazakhstan still face gender inequality obtaining work in the same industries as men and there are no laws protecting women from sexual harassment in the workplace. There are no small claims courts or fast track procedures for small claims, which puts women-owned businesses at a greater disadvantage.

Children.—Birth Registration.—Citizenship is derived both by birth within the country's territory and from one's parents. The government has a duty to register all births immediately.

Education.—Education is mandatory through 16 years of age or secondary school; elementary schooling generally begins at age six. Primary and secondary education is free and universal. The law provides for access to public education for refugee and illegal migrant children. In some cases these children were denied access to schools, or their parents did not enroll them due to fear of discovery and deportation.

Child Abuse.—There were increasing reports of child abuse compared with the previous year, although there was no societal pattern. NGOs estimated that more than half of all children younger than 14 experienced at least one incident of physical or psychological abuse by adults. Abuse was more common in rural areas. According to publicly available statistics, courts permanently terminated the custody rights of approximately 300 abusive parents, relocated 400 abused children to orphanages, fined 800 parents for abuse, and convicted nine parents under criminal abuse charges. Minors who are 16 or older have the right to file petitions related to their interests directly with a court.

Sexual Exploitation of Children.—The minimum age for consensual sex is not specified in any article of the criminal code, but an article provides for 5 to 10 years in prison as punishment for individuals who force underage (less than 18) boys or girls to have sexual intercourse.

In 2010 the country introduced a criminal statute on the production and distribution of child pornography, and expanded administrative penalties to cover the sale of pornographic materials to minors. The country retains administrative penalties for child pornography.

Displaced Children.—According to the Ministry of Education, more than 10,000 children were identified as "street children" during the year. According to media reports, police placed homeless children in institutions run by the Ministry of Education for delinquent and street children. There they received medical and psycho-

logical assistance before they were released or sent to orphanages. During the year authorities placed 939 street children in temporary detention and sent 719 back to their families, 55 to boarding schools, and 25 to permanent boarding schools for delinquent children.

Institutionalized Children.—NGOs reported a high number of incidents of violence against children in orphanages, boarding schools, and detention facilities for delinquent children, and there were increased media reports on abuses in orphanages and other institutions. NGOs stated that half of children in orphanages or closed institutions suffered from abuse by teachers or other children. According to media reports, incidents of illegal placement of children in special correction facilities (prisons for underage criminals) and in facilities for the mentally ill occurred.

On August 9, a North Kazakhstan district court began to hear a case against Asanov Orphanage Director Bibigul Mukeyeva for failing to prevent incidents of sexual abuse committed by teenage orphans against six- and seven-year-old fellow orphans. Authorities also issued reprimands to several department of education officials for failing to act. Eight underage abusers were exempted from criminal liability and victims' parents pardoned two others.

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

Anti-Semitism.—Approximately 30,000 to 40,000 Jews lived in the country. There were no reports of anti-Semitic acts apart from the distribution of anti-Semitic literature by Hizb ut-Tahrir. Leaders of the Jewish community reported no incidents of anti-Semitism by the government or in society.

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

Persons With Disabilities.—According to the Ministry of Labor and Social Protection, there were 506,000 persons with disabilities (3 percent of the total population) in the country, although analysts argued that the real number was higher. The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, and access to health care, and in the provision of other state services or other areas, but significant discrimination exists in the areas of employment, education, and access to government services.

The law protects access to information for persons with disabilities. The government produced periodicals, scientific journals, reference literature, and fictional works that were recorded either on disk or in Braille. The law requires one national television channel to broadcast news programs with sign-language translation. NGOs believed that implementation of the laws on disability was lacking, and the Nur Otan party's Institute of Parliamentary Development has concluded that access for disabled persons to information and communications was insufficient.

The law requires companies to set aside 3 percent of their jobs for persons with disabilities. International and local observers noted some improvement regarding the rights of persons with disabilities. Nevertheless, there were reports that persons with disabilities faced difficulty integrating into society and finding employment. According to NGOs, 3 percent of persons with disabilities were employed, and 90 percent of employers who declined to hire persons with disabilities did so because of an applicant's disability. The law mandates access to buildings for persons with disabilities. Vice Minister of Labor and Social Protection Assel Nusupova identified the two biggest problems facing persons with disabilities as poor infrastructure and lack of access to education. Persons with disabilities had difficulty accessing public transportation. The government did not make a concerted effort to address these problems.

Citizens with mental disabilities could be committed to state-run institutions without their consent or judicial review. In practice the government committed persons at a young age with the permission of their families. Institutions were poorly managed and inadequately funded.

There are no regulations regarding the rights of patients in mental hospitals; human rights observers believed this led to mass abuse of patients' rights. NGOs reported that patients often were drugged and isolated for minor infractions, and experienced poor conditions and a complete lack of privacy. In response to NGO reports, prosecutors disclosed 7,000 violations of mental patients' rights ranging from illegal institutionalization, to restricting access to information and unlawful extension of patients' stays. Prosecutors punished 45 officials as a result of the investigation. NGOs reported that orphanages for children with physical and mental disabilities were overcrowded and unsanitary, with insufficient staff to care adequately for children's needs.

The government did not restrict the right of persons with disabilities to vote and arranged home voting for individuals who could not travel to polling places as a result of their disability.

The Ministry of Labor and Social Protection was the primary government agency responsible for protecting the rights of persons with disabilities; the Ministries of Health and Education also assisted in their protection. Statistics on disability issues are unavailable.

*National/Racial/Ethnic Minorities.*The government continued to discriminate in favor of ethnic Kazakhs in senior government employment. Minorities experienced ethnic prejudice and hostility; encountered incidents of insult, humiliation, or other offenses; and were discriminated against in employment or job retention.

Ethnic Kazakh migrants (oralmans) who returned to the country from abroad experienced domestic discrimination including problems with housing, employment, and access to social services.

Kazakh is the official state language, although organizations and bodies of local self-administration officially may use Russian on an equal basis with Kazakh. The language law was intended to strengthen the use of Kazakh without infringing on the rights of citizens to use other languages. By law the ability to speak Kazakh is not required for entry into the civil service, but most government agencies officially have switched to conducting business in Kazakh. Non-Kazakh speakers have protested that this is language discrimination. The Election Law requires presidential candidates to be fluent in Kazakh.

Among other forms of discrimination, critics have noted a scarcity of representatives of non-Kazakh ethnicities in the government and a reduction in the number of Russian-language schools.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Although there were no official statistics on discrimination or violence based on sexual orientation or gender identity, there were reports of such discrimination. Representatives of international organizations reported that negative social attitudes towards marginalized groups, including lesbian, gay, bisexual, and transgender (LGBT) persons, impeded these groups' willingness to come forward and consequently hindered their access to HIV/AIDS programs.

LGBT individuals, particularly gay men, were among the most oppressed groups, although the country does not outlaw consensual same-sex sexual activity. According to a 2009 Soros Foundation study, 64.1 percent of LGBT respondents said they did not face open discrimination in the workplace, although LGBT individuals often concealed their sexual orientation to avoid such discrimination. LGBT individuals whose sexual orientation became known publicly risked physical and verbal abuse, possible loss of work, and unwanted attention from police and authorities. A local NGO working on LGBT issues noted that new regulations have made gender reassignment more cumbersome but cited a slight improvement in public awareness of LGBT rights. Several LGBT organizations operating in the country reported that government-run HIV clinics occasionally breached confidentiality and reported patients' sexual orientation to their families and employers. Attempts to report violence against LGBT persons to law enforcement officers occasionally were met with resistance and hostility.

Other Societal Violence or Discrimination.—The law prohibits discrimination against persons with HIV and AIDS. Observers reported that cultural stigmas against drug users and other at-risk groups continued to affect general access to information, services, treatment, and care.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law provides for the right to organize and form unions. On September 1, officials reported that 53,217 collective agreements were signed as a result of a prounion collective bargaining campaign initiated following a widely publicized 2008 mining accident in Satpayev. The campaign, designed to empower workers, has increased the number of agreements by 15 percent since 2008. As of September 1, 28.8 percent of all enterprises and 90 percent of all unionized enterprises had collective bargaining agreements. Independent union organizers described this campaign as a significant change in policy.

The law protects the rights of unions to conduct their activities without interference, and unions were free to recruit new members, conduct meetings, and bargain collectively with employers. The law permits collective bargaining and collective agreements; unions and associations engaged in collective bargaining in practice. The government continued its efforts to encourage collective bargaining. Labor unions reported 53,217 collective bargaining agreements. Activists stressed that po-

litical pressure was driving the rapid conclusion of agreements. The labor law provides that an individual contract between an employer and each employee sets the employee's wage and outlines the rights and responsibilities of the employee and the employer.

The law provides for the right to strike but exercising this right is subject to numerous legal limitations. The government limited conditions under which those working for one of a list of industries and enterprises providing essential services, such as railway, civil aviation, military, law enforcement, fire services, health, and other services that provide for major life needs where strikes were permitted only under limited conditions, could strike. In general, workers may strike only if a labor dispute has not been resolved through existing compulsory arbitration procedures. Striking workers must give 15-day advance notice to employers. The law neither sanctions nor prohibits the firing of employees for participation in an illegal strike.

Foreign workers have the right to join unions; however, the law prohibits the operation of foreign unions and prohibits the financing of unions by foreign legal entities and citizens, foreign states, and international organizations. Workers are protected by law against antiunion discrimination,

Organizers reported that the government continued to restrict the right to organize, and most workers were not able to join or form trade unions of their choice. The government exercised considerable influence on organized labor and favored state-affiliated unions over independent unions. To obtain legal status, a trade union must apply for registration with the Ministry of Justice. The registration procedure is broadly similar to that of other membership organizations.

The largest trade union association, the Federation of Trade Unions, the successor to formerly state-sponsored Soviet-era labor organizations, remained affiliated with the government. The federation united 26 industrial national unions and 13 regional unions. The industrial unions represented workers in a wide range of industries, including oil and gas, construction, textiles, education, and public health. Each union elects its own leader and has a representative on the General Council, which elects the 14-member Executive Committee. The committee runs the federation's day-to-day operations and deals with issues of social and economic protection, labor protection, organization, and international cooperation.

Union demands that are unacceptable to management may be presented to a tripartite commission composed of government, employer association, and labor union representatives. The government was supposed to be the neutral broker on the commissions, but there were cases in which it favored the interests of labor unions or employers. The tripartite commission is responsible for developing and signing annual agreements governing most aspects of labor relations. Through this mechanism, labor unions raised the minimal wage for several industries, including mining and metallurgy, and forced employers to pay back salaries in a number of industrial areas during the year. Employers occasionally used individual contracts to weaken collective bargaining power.

In practice there were reports of employers providing arbitrary justifications for firing employees who had attempted to organize strikes and there were multiple violations of the law protecting workers from antiunion discrimination. The violations ranged from threats of being fired, which would lead to the loss of social benefits, to physical intimidation and assault. Activists and trade union leaders in a variety of sectors have fallen victim to these firings, harassment campaigns, and physical attacks.

In May workers initiated three separate labor strikes at oil and gas companies in the Mangistau region. The workers, the majority of whom were drivers, at Karazhanbasmunay (KBM), OzenMunayGaz (OMG), and Yersay Caspian Contractors (Yersay) demanded an increase in salaries, a revised collective bargaining agreement, and fewer restrictions on the activities of independent labor unions. Following the resolution of the Yersay strike, the KBM and OMG strikes continued, with a dwindling number of participants estimated at 1,000. The OMG and KBM fired approximately 400 people on the legal justification that an employee can be fired if absent from work without permission for 20 days. Following a December 16 to 17 incident in which authorities shot into crowds of rioters related to the ongoing strike and other social grievances, the government established temporary municipal employment for all fired workers at their former wages. Authorities claimed to have arranged permanent employment with over 20 private companies.

During the strikes police detained three strike leaders, including Natalya Sokolova, a Russian citizen and former director of human resources at KBM. On August 8, a court convicted Sokolova of inciting social discord and sentenced her to six years in prison. The OSCE characterized the punishment as harsh and cited credible reports of due process violations, including reports that the presiding judge re-

fused to admit into evidence a video recording in support of Sokolova's defense and denied her motions to summon witnesses.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor, except at the sentence of the court or in conditions of a state of emergency or martial law; however, there were reports that such practices occurred. There were reports that some employers abused migrant workers by confiscating their passports or using debt bondage, violence, or threats of violence to compel them to work. Reports vary on the exact number of migrants annually to Kazakhstan. Estimates range from 300,000 to one million, with the majority of migrant workers coming from Kyrgyzstan, Tajikistan, and Uzbekistan. Migrant workers were primarily employed in agriculture and construction. The Ministry of Labor and Social Protection was responsible for handling issues related to migrant labor.

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

c. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children from exploitation in the workplace. The minimum age for employment is 16. With parental permission, children who are between 14 and 16 years of age can perform light work that does not interfere with their health or education. The law also restricts the length of the workday for employees younger than 18. The government conducted labor inspections to enforce the minimum age for employment, but enforcement was uneven.

The government concluded an agreement with national employer associations that committed them to eradicate the use of forced labor and the worst forms of child labor and to develop alternative employment opportunities for children and their families. The Ministry of Education's 2007-11 Children of Kazakhstan program continued to address child labor problems. Nevertheless NGOs contended that the government's efforts were insufficient to address fully the use of child labor.

The government did not maintain statistics on child labor. NGOs and activists reported that child labor occurred in agriculture, especially during harvest season. Children were involved in growing cotton and tobacco. However, efforts by Philip Morris Kazakhstan, the sole purchaser of Kazakhstani tobacco, to eradicate child labor in its supply chain significantly reduced the numbers of migrant children in the tobacco fields and led to increased awareness among farmers and local officials. Concurrently the government improved enforcement of existing legislation to prevent child participation in the cotton harvest.

Past NGO studies have found that more than 70 percent of the children employed in this work were from migrant families, primarily Uzbek and Kyrgyz. Labor conditions frequently presented a physical health risk, and some children suffered from inadequate rest and nutrition. Many child workers lacked proper clothing to protect them from harmful chemicals used in agriculture and harsh weather conditions. In urban areas, the country's increasingly formalized labor market led to a decrease in many forms of child labor, although there were still reports of children begging, unloading freight, delivering goods in markets, washing cars, and working at gas stations.

The Ministry of Labor and Social Protection is responsible for enforcement of child labor laws and for administrative offenses punishable by fines. The Ministry of Internal Affairs is responsible for investigating criminal offenses. During the year, the government reported no crimes related to illegal child labor. The government cooperated with trade unions, employers, and NGOs to raise awareness and promote interagency cooperation in eliminating child labor.

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 monthly minimum wage was 15,999 tenge (approximately $109). It was common for working-class families to have more than one wage earner. Most workers earned above the minimum wage in urban areas. As of 2009, 8.2 percent of the population lived below the poverty line. According to the government, the poverty line is 40 percent of the subsistence level income and is currently 6,259.6 tenge ($42.30).

The law stipulates that the normal workweek should not exceed 40 hours and limits heavy manual labor or hazardous work to no more than 36 hours a week. The law limits overtime to two hours a day or one hour a day for heavy manual labor, and requires overtime to be paid at least a 50-percent premium. Overtime is prohibited for work in hazardous conditions. The law provides that labor agreements may stipulate the length of working time, holidays, and paid annual leave for each worker.

The Ministry of Labor and Social Protection enforced minimum wages, work hours restrictions, and overtime. Ministry inspectors conducted random inspections of em-

ployers. Labor advocates reported that some employers regularly violated these laws.

The law provides for the right to safe and hygienic working conditions, but working and safety conditions in the industrial, agricultural, and construction sectors were often substandard. Workers in factories usually lacked protective clothing and worked in conditions of poor visibility and ventilation.

There were reports that management ignored regulations concerning occupational health and safety. In the first 11 months of the year, the Ministry of Labor and Social Protection reported 15,979 inspections and 21,698 violations of occupational health and safety standards and rules. In addition to inspections by the ministry, unions conducted inspections of unionized enterprises and reported their findings to authorities for investigation. The law requires employers to suspend work that could endanger the life or health of workers and to warn workers about any harmful or dangerous work conditions or the possibility of any occupational disease. The law specifically grants workers the right to remove themselves from situations that endanger their health or safety without losing their jobs. In practice some workers, particularly in the construction industry, were not free to exercise this right without jeopardizing their employment.

During the year the government reported 2,179 workplace injuries, compared with 1,918 in 2010. The government reported 365 workplace deaths during the year, compared with 319 deaths in 2010. According to officials at the Federation of Trade Unions, many of the deaths were due to antiquated equipment, Soviet-era infrastructure, and disregard for safety regulations in the mining and metallurgy sectors. The Federation of Trade Unions' 19,000 inspectors identified 124,000 labor law violations in 2010, and referred 43 to the Ministry of Labor and 29 to court. According to the Federation, industries had 2,151 injuries and 132 workplace deaths in 2010.

KYRGYZ REPUBLIC

EXECUTIVE SUMMARY

The Kyrgyz Republic has a parliamentary form of government that limits presidential power and enhances the role of parliament and the prime minister. The October 2010 parliamentary elections, considered relatively free and fair, led to a three-party coalition that took power in December 2010. In the 2011 presidential election held on October 30, Almazbek Atambayev, the then prime minister, received more than 60 percent of the vote. Independent observers considered the election generally transparent and competitive, despite some irregularities. This was the country's first peaceful transfer of power in its 20-year history. Following Atambayev's inauguration on December 1, parliament formed a new governing coalition that included four of the five parties that held seats. While security forces officially reported to civilian authorities, in some regions, particularly in the south, there were instances in which elements of the security forces acted independently of civilian control.

The most important human rights problems were a continuation of the June 2010 ethnic tension that erupted in violent clashes in the South, and an absence of due process and accountability in judicial and law enforcement proceedings, as represented by the pervasive oppression of ethnic Uzbeks and others by members of law enforcement. Members of law enforcement continued to commit human rights violations, such as arbitrary arrest, mistreatment, torture, and extortion, against all demographic groups, but particularly against ethnic Uzbeks, who constituted more than 70 percent of June 2010 casualties but comprised 80 percent of those charged with crimes related to that violence. The central government's inability to hold human rights violators accountable allowed security forces to act arbitrarily and emboldened law enforcement to prey on vulnerable citizens. Furthermore, the weakness of central authority empowered mobs to disrupt trials by attacking defendants, attorneys, witnesses, and judges.

The following additional human rights problems existed: arbitrary killings by law enforcement officials; poor prison conditions; lack of judicial impartiality; harassment of nongovernmental organizations (NGOs), activists, and journalists; pressure on independent media; authorities' failure to protect refugees adequately; pervasive corruption; discrimination against women, persons with disabilities, ethnic and religious minorities, and other persons based on sexual orientation or gender identity; child abuse; trafficking in persons; and child labor.

Impunity was a major problem, as the government did not take steps to restrain the security forces from exploiting the citizenry.

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 purposely committed arbitrary or unlawful killings.

During the year, however, at least five individuals reportedly died as a result of their detention by law enforcement agencies.

On August 9, Osmonjon Kholmurzayev, an ethnic Uzbek citizen of Russia, died of internal bleeding and other injuries following his detention by Bazar Korgon police (Jalalabad oblast). He was taken into custody on August 7 on suspicion of being involved with the June 2010 violence. Kholmurzayev was released after his family reportedly paid police KGS 30,000 ($650). Several human rights NGOs subsequently reported, and his family testified in court, that the police had demanded $6,000 (specified in U.S. dollars) for his release. Following his release on August 8, Kholmurzayev collapsed, and he died in the hospital the following day. Authorities arrested four Bazar Korgon police officers, charging them with abuse of power, torture, extortion, and manslaughter. Two of the officers were released to house arrest while on trial. The family's attorney asked that the judge be replaced for this decision, and in December a regional court in Bishkek granted the request. The trial continued at year's end.

On July 30, Feruzbek Fiziyev, a customs officer died after an alleged encounter with members of the State Committee for National Security (GKNB). The GKNB officially claimed that Fiziyev jumped from a building while trying to avoid arrest following a raid on illegal arms dealers. Human rights NGOs, including Kylym Shamy and Golos Svobody, disputed this account, contending that Fiziyev died from injuries related to torture. They claimed GKNB officers detained him and two acquaintances on July 29. The acquaintances, who were released and reportedly fled the country, claimed that GKNB officers tortured them. An independent autopsy of Fiziyev showed injuries consistent with torture, including broken ribs, multiple contusions, and marks suggestive of electric shock.

In October 2010 Kazakhstan's Interior Ministry announced the arrest of two persons in connection with the death of Gennady Pavlyuk, an ethnic Russian citizen of Kyrgyzstan, in December 2009. A prominent opposition journalist and critic of the Bakiev government, Pavlyuk died in the hospital after allegedly being thrown from a building in Almaty with his hands and feet bound. On October 11, Kazakhstan's criminal court convicted Aldayar Ismankulov, a former officer of the Kyrgyz GKNB's Organized Crime Unit, and two citizens of Kazakhstan of the killing. The court sentenced Ismankulov to 17 years, and his codefendants to 10 and 11 years' imprisonment, respectively.

b. Disappearance.—During the year human rights organizations reported numerous disappearances and instances of abductions, often by law enforcement agencies. Many of these cases appeared to have been related to the continuing ethnic violence in the south. The Kyrgyzstan Inquiry Commission (KIC) report published in May corroborated reports of arrested and detained ethnic Uzbeks denied the opportunity to contact their families or attorneys during June 2010 events. During the year local and international observers continued to report numerous instances in which law enforcement held detainees incommunicado for long periods. Ethnic Uzbeks in the south reportedly were subject to arrest and detention during the June 2010 violence for crimes, such as "participating in mass disturbances, inciting ethnic hatred, and murder," according to multiple NGOs monitoring the situation. The NGOs alleged that police did not immediately record arrests or communicate them to family members.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and other cruel, inhuman, or degrading treatment or punishment. In April the then newly appointed prosecutor general, Aida Salyanova, issued a decree prohibiting torture and ordered the prompt investigation of all torture allegations. Nonetheless, numerous defense attorneys and multiple human rights monitoring organizations, including Golos Svobody, Citizens Against Corruption (CAC), and Human Rights Watch (HRW), continued to report many incidents of torture by the police and other law enforcement agencies throughout the year. There were persistent reports of officers beating detainees and prisoners (particularly Uzbeks in the South) to extort bribes in exchange for release or to extract criminal confessions The only police officers known to have been criminally prosecuted during the year were those involved in the Kholmurzaev case (see section 1.a.).

In contrast to widespread reports of abuse in detention, most detainees did not file torture claims while in pretrial detention because of a fear of retribution from detention facility personnel. As a result allegations of torture frequently went uninvestigated. In those cases where an allegation of misconduct was filed, inves-

tigators took two weeks or longer to review torture claims, at which point physical evidence of torture on the bodies of the detained was no longer visible. Consequently, defense attorneys presented most allegations of torture only during trial proceedings. At that point the claims were more difficult to prove and the courts typically rejected them. Based on credible NGO reports, ethnic Uzbeks in the southern portion of the country comprised the majority of victims of torture, abuse, and mistreatment by law enforcement.

President Otunbayeva noted at the September meeting of the Ministry of Internal Affairs (MVD) and GKNB Public Oversight Boards that the number of torture incidents by law enforcement against "representatives of one nationality" increased after the June 2010 violence. She stated that "torture in Kyrgyzstan is a part of culture and everyday life." The Anti-Torture Coalition registered 244 cases of torture from August 2009 to 2011.

The Prosecutor General's Office reported that 87.3 percent of torture cases occurred in temporary detention facilities. The victims included 21 women and 12 juveniles. At least five cases of suspected torture led to death. In the first 11 months of the year, the Prosecutor General's Office filed 43 criminal cases involving torture, of which 20 were sent to the courts for consideration. At year's end, none of the filed cases had resulted in conviction.

The NGO Committee of Soldiers' Mothers reported eight registered cases of military hazing involving physical abuse during the year. Military authorities and the Committee of Soldiers' Mothers provided medical and psychological treatment to the victims. The eight reported cases represented an increase in military hazing, compared with one case in 2010.

Prison and Detention Center Conditions.—Prison conditions were harsh and sometimes life threatening due to food and medicine shortages, substandard health care, lack of heat and other necessities, and mistreatment. Pretrial and temporary detention facilities were particularly overcrowded, and conditions and mistreatment generally were worse there than in prisons. Unlike in previous years, morbidity and mortality rates increased. Morbidity rates increased from 5.07 percent to 5.89 percent, and mortality from 0.9 percent to 1.08 percent. Only mortality resulting from tuberculosis (TB) decreased. Approximately 477 prisoners had TB, of which 87 had multi-drug-resistant strains. In the first 10 months of the year, 73 prisoners died, 14 of them from TB.

According to the government, the prison population fell by approximately 2,600 to 8,093 (including 345 women). This was substantially less than the total prison capacity of 14,000 reported by the government. The decline in the prison population may have been related to a general amnesty during the year. Regardless, international organizations alleged that the actual capacity was markedly less than reported and that prison overcrowding constituted a significant problem.

Authorities generally held juveniles separately from adults but occasionally grouped them together in overcrowded temporary detention centers. CAC reported that at a pretrial detention center in Toktogul, five prisoners were housed in a single cell containing only four beds. One of the detainees was a previously convicted criminal, and two were under the age of 18. On occasion convicted prisoners remained in pretrial detention centers while their cases were under appeal.

On September 1, Mamataziz Bizrukov died, reportedly from a denial of medical treatment following abuse. Bizrukov, a 63-year-old ethnic Uzbek accused of murder and robbery during the June 2010 violence, died while in custody at a pretrial detention center in Osh. Officials reported the cause of his death as a heart attack. Although he was diagnosed with prostatitis on July 29, medical staff at the detention center did not allow him to receive outside treatment for which his family had offered to pay. Prior to his death, Bizrukov had complained that he had been unable to urinate for five days. Nonetheless, authorities did not send him to the center's hospital and did not remove him from his cell. The Osh office of the ombudsman and multiple human rights groups confirmed these reports. Human rights NGOs also asserted that prison and law enforcement personnel beat Bizrukov on multiple occasions while in custody.

Convicted prisoners had reasonable access to visitors, and prisoners were permitted religious observance. Those held in pretrial detention were not always afforded access to visitors. Prisoners have the right to file complaints with prison officials or with higher authorities. However, CAC reported that complaints were not well documented and were not always passed along by prison staff. Many observers believed that official prisoner complaints of mistreatment constituted only a fraction of the cases that actually occurred.

The government continued to permit international and domestic human rights observers, including from the Office of Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE), the NGO Penal

Reform International, and Golos Svobody to visit prisoners in prisons as well as detainees in temporary detention centers. The International Committee of the Red Cross (ICRC) also conducted visits. Monitoring groups generally received unfettered access.

The ombudsman for human rights is empowered to request alternatives to incarceration for nonviolent offenders, improvements to pretrial detention, and proper release at the end of sentences. The ombudsman frequently made such requests in practice. The ombudsman reported that it made 2,098 written appeals related to gross violations or requests, and authorities granted 13.1 percent of these requests.

d. Arbitrary Arrest or Detention.—While the law prohibits arbitrary arrest and detention, arbitrary arrests appeared to have greatly increased following the June 2010 interethnic violence. The number of those arrested and of those sentenced to life imprisonment also increased during the year. CAC reported that 38 people received life sentences. The number of individuals serving life sentences in prison reached 242 during the year, compared with 204 persons in 2010 and 190 in 2009. Police arrests for the lack of proper identification documents were common. Police frequently used false charges to arrest persons and then solicited bribes in exchange for release. Persons unable to pay were often subject to abuse by police. NGOs and monitoring organizations, including Golos Svobody, CAC, HRW, the U.N. Office of the High Commissioner for Human Rights, and the OSCE all recorded multiple complaints of arbitrary arrest during the year. Although various estimates placed the number of arbitrary arrests in the thousands, there was no official count. Most observers asserted it was impossible to know the number of cases because the majority went unreported.

Role of the Police and Security Apparatus.—General and local crimes fall under the authority of the MVD, while state-level crimes fall under the authority of the GKNB. The Prosecutor General's Office prosecutes both types of crimes. In 2009 then President Bakiyev signed into law measures that empower the military to intervene in domestic political conflicts and gave the Presidential Security Service law enforcement powers, including authorization to conduct interrogations, intercept communications, and carry out surveillance and other covert activity. Although these laws remain on the books, there were no reports that the military or Presidential Security Service exercised these powers.

The problem of police impunity was highlighted in the aftermath of the June 2010 interethnic violence. International observers noted widespread arbitrary arrests, detainee abuse, and extortion, particularly in the south. However, few MVD officials were dismissed or prosecuted for corruption, abuse of authority, extortion, or police brutality. The ministry's internal investigations unit reported 1,430 citizen complaints of police misconduct and 395 issued conclusions on subsequent investigations. As a result the ministry reported that 39 officers were dismissed and 578 were subjected to various disciplinary actions. The Prosecutor General's Office reported investigating 87 law enforcement employees for various crimes but did not provide information on the outcomes of those investigations.

Arrest Procedures and Treatment While in Detention.—In January parliament passed amendments to the criminal procedure code eliminating the authority of prosecutors to issue search and seizure warrants. Courts have that authority instead. Prosecutors have the burden of proof in persuading the judge that a defendant should be detained pending trial, yet detention remained common, particularly with ethnic Uzbek defendants accused of June 2010 crimes. In 2008 parliament approved amendments to the code that reduced the period that authorities can hold a detainee before charging him from 72 to 48 hours. The limit was generally enforced. The law requires investigators to notify a detainee's family within 12 hours of detention, but this requirement often was not observed in practice. The courts have discretion to hold suspects in pretrial detention up to one year, after which the courts are legally required to release the suspect.

All persons arrested or charged with crimes have the right to defense counsel at public expense. Human rights observers alleged that some defense attorneys appointed by the state were complicit with prosecutors and did not adequately defend their clients. By law the accused has the right to consult with defense counsel immediately upon arrest, but in many cases the first meeting did not happen until trial. Human rights groups noted that authorities usually denied attorneys to arrested minors, often holding them without parental notification and questioning them without parents or attorneys present, despite laws forbidding these practices. Authorities often intimidated minors into signing confessions.

The law authorizes house arrest for certain categories of suspects. There were also reports that law enforcement officials selectively enforced the law by incarcerating

persons suspected of minor crimes while not pursuing those suspected of more serious crimes. There was a functioning bail system.

On October 20, President Otunbayeva signed an amendment to the law on detention conditions requiring lawyers to obtain permission from the prosecutor, investigator, or judge prior to visiting a defendant. Human rights defenders, including Golos Svobody and CAC, along with prominent defense attorneys challenged the provision, claiming it violates due process by making it more difficult for attorneys to consult with their clients in a timely manner.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary. Lawyers and citizens commonly believed that judges were open to bribes and/or susceptible to outside pressure. Multiple sources, including NGOs, attorneys, government officials, and private citizens asserted that judges paid bribes in order to attain their positions. These perceptions were reinforced by press reports of at least nine criminal investigations of judges for allegedly taking bribes during the year. A survey measuring how events and media reports shape public perception, conducted by the Citizen's Council to Control Court System, found that a majority of those interviewed believed that "judges do not behave properly" and that "judges accept bribes in exchange for their decisions." On September 23, GKNB officers detained an Oktyabrskiy district court judge for receiving a $1,000 bribe in exchange for stopping a criminal case. The investigation division of the GKNB opened a criminal investigation.

Cases originate in local courts and can be appealed to municipal or regional courts, and finally to the Supreme Court. The military has its own courts. Military courts can try civilians if a codefendant is a member of the military. Military court cases can be appealed to a military appellate court and ultimately to the Supreme Court. Economic and financial disputes are settled through a separate arbitration court. The Constitutional Court, which was dissolved by the 2010 constitutional referendum, was limited to constitutional questions and could not intervene with other courts except on the issue of constitutionality. Although the Constitutional Court was supposed to be reconstituted, difficulties with the judge selection process prevented it. At year's end the country had no Constitutional Court.

Following the June 14 adoption of a law on the selection of judges, the Judges' Selection Council was supposed to have appointed a new constitutional chamber, Supreme Court, and eventually all 436 judges. The selection council was comprised of 24 members. The ruling coalition, the parliamentary minority, and the judiciary establishment each appointed eight selectors. The council, however, and the process itself were largely unsuccessful in appointing new judges as mandated. Civil society and some members of parliament were highly critical of the council for its lack of transparency and conflicts of interest. The president rejected many of the candidates for the council after determining they were unqualified for their posts. Other candidates did not make it through the final parliamentary approval process. In October the president suspended the activities of the council indefinitely due to conflicts of interest and more than 700 complaints about the process itself. Only two of 11 open positions in the Constitutional Chamber and none of the judgeships on the Supreme Court had been filled. In October parliament passed amendments to the law on the Judges' Selection Council in an attempt to eliminate conflicts of interest. At year's end more than 90 percent of the judges sitting at the time of the 2010 revolution remained in place.

Traditional elders' courts handle property and family law matters and low-level crime. Elders' courts are under the supervision of the Prosecutor's Office but do not receive close oversight because of their locations in remote regions. Their decisions can be appealed to the corresponding regional court. Military courts and elders' courts follow the same rules and procedures as general courts.

As reported in 2010, trials of Ethnic Uzbeks arrested for instigating or carrying out violence against ethnic Kyrgyz during the June violence were not conducted in accordance with Kyrgyz legal requirements or international standards of fairness. HRW (in its June 2011 report), Amnesty International, and numerous other NGOs described pervasive violations of the right to a fair trial, including coerced confessions, use of torture, denial of access to counsel, threats and acts of violence against defendants and defense attorneys within and outside of the courtroom, intimidation of trial judges by victims' relatives and friends, and convictions in the absence of condemning evidence or despite exculpatory evidence.

On December 20, following a long and frequently delayed appeals process, the Supreme Court upheld the murder conviction and life sentence of ethnic Uzbek human rights activist Azimjon Askarov. The court also upheld the convictions of his seven codefendants. In September 2010 a Jalalabad court sentenced Askarov to life imprisonment for the alleged killing of a police officer and for inciting ethnic hatred during the June 2010 ethnic violence. Four other codefendants received life sen-

tences, two received 20-year sentences, and one received a nine-year sentence. In November 2010 an appeals court upheld the sentences. Askarov asserted that he was tortured while in custody, and international and local observers reported that trial sessions were marked by widespread threats, abuse, and assaults on defendants and their attorneys. The lower courts and the Supreme Court refused to hear witnesses that could corroborate Askarov's assertion that he was not at the site of the murder when it occurred. Other witnesses on his behalf declined to testify due to death threats. At the end of 2010 authorities moved Askarov to a prison hospital in Bishkek, where he remained. On February 8, the Supreme Court considered a supervisory appeal of Askarov's sentence to life imprisonment but postponed the hearing following an investigative motion filed by Askarov's attorney. The court ordered the MVD to investigate torture allegations. In the December 20 hearing, the judges accepted the MVD's letter concluding that no violations or torture occurred while the defendants were in custody. No representative of the MVD appeared or testified in support of their findings.

Trial Procedures.—State prosecutors bring cases before courts, and judges direct criminal proceedings. Criminal cases are conducted by a single judge; appellate cases are handled by three-judge panels. There are no jury trials. Judges have full authority to render verdicts and determine sentences. The law does not guarantee defense attorneys access to government evidence in advance of the trial. If a court renders a case indeterminable, it is returned to the investigative bodies for further investigation, and suspects may remain under detention. At year's end the government had not implemented a 2007 law allowing jury trials in the cities of Bishkek and Osh. The law provides for transparency of court proceedings. Trials are generally open to the public, unless state secrets or the privacy of defendants is involved, and verdicts are announced publicly even in closed proceedings.

The law provides for defendants' rights, including the presumption of innocence. In practice, however, these rights appeared to have been regularly violated. Customs and practices of the judicial system continued to contradict the principle of presumption of innocence, and pretrial investigations focused almost exclusively on the collection of sufficient evidence to prove guilt. In a majority of trials, defendants are required to sit in barred cells within the courtroom, although sometimes it is necessary for their own protection. The law provides for unlimited visits between an attorney and a client during trial. However, official permission for such visits is required but not always granted. Indigent defendants were provided attorneys at public expense, and defendants could refuse attorney support and defend themselves. HRW and other NGOs reported that some state-provided criminal defense lawyers were complicit with prosecutors and did not properly defend their clients. In some cases NGO observers accused defense attorneys of being incompetent. Defendants and their counsel are permitted by law to access prosecution evidence, although not in advance of the trial, attend all proceedings, question witnesses, and present evidence. In practice, however, the legal system frequently did not guarantee these rights. Typically witnesses were required to testify in person. Under certain circumstances courts allowed testimony via audio or video recording. Defendants and prosecutors have the right to appeal the court's decision.

During 2010-11, crowds of spectators regularly disrupted trials of ethnic Uzbeks charged with crimes related to the June 2010 violence. Family members of victims frequently disrupted trial proceedings and often threatened the security and the safety of defendants, attorneys, and judges. Authorities typically did nothing to stop these widespread incidents.

On September 16, in Kara Suu District Court, an ethnic Uzbek man on trial for a killing and his attorney were attacked by relatives of the victim during the trial. The group of mostly women started with verbal threats and insults directed at the defendant and his attorney. The judge asked the women to desist but did not order them removed from the court and did not order police to provide security. While the defense attorney was giving remarks, the victim's mother attacked her, pulling her hair. The judge told the attacker to sit down but took no other action to protect the attorney, who apparently became too nervous to continue and left the courtroom. After the judge and prosecutor left the courtroom, the victim's relatives threw rocks at the defendant, who remained locked in a cage in the courtroom. Police in the courtroom reportedly tried to stop the attack but were attacked themselves. Authorities did not arrest any of the offenders.

Political Prisoners and Detainees.—On December 20, the Supreme Court ruled against the appeal of Azimjon Askarov, an ethnic Uzbek human rights activist convicted with seven codefendants for the killing of a police officer during the June 2010 events. The court had suspended the appeal since February 8. Many independent observers considered Askarov a political prisoner, and the Ombudsman's

Office declared that his sentence was "politically motivated." An ombudsman investigation shortly after the incident cleared Askarov of suspicion and found that he had been tortured while in temporary detention. His and his codefendants' trial was considered by international and domestic observers to be highly biased and in violation of several domestic and international norms. His prosecution and conviction were based upon questionable witness accounts. His arrest appeared to be score settling by the police with whom he had frequently clashed.

On October 28, a Jalalabad court convicted Kadyrzhan Batyrov, an ethnic Uzbek community leader, and five codefendants—all tried in absentia—of circulating separatist propaganda, inciting ethnic hatred, and organizing violent clashes. Independent observers judged the short trial to be politically motivated, marred by procedural violations, and rushed to completion before the October 30 presidential election. Batyrov and codefendant Inom Abdurasulov received life sentences, the other defendants received lengthy sentences, and all were subjected to state seizure of their property.

In December the trial of 28 individuals accused of complicity in the shooting deaths of protesters on April 7 continued in Bishkek. The trial, which continued at year's end, involved the prosecution of several defendants in absentia, including former president Kurmanbek Bakiyev; his brother Janysh, former head of the Presidential Guard Service; and former prime minister Daniyar Usenov. Other defendants included Oksana Malevanaya, former head of the Presidential Secretariat; Murat Sulatinov, former chairman of the GKNB; and several special GKNB operations officers. Human rights activists claimed that the charges against the defendants were arbitrary and that the government denied the legal right of the defendants to see all of the evidence against them during the trial. The trial began in November 2010, when during the first session, audience members surged onto the stage, threatening defendants and their attorneys, who subsequently refused to participate in the trial unless the government ensured their security.

Civil Judicial Procedures and Remedies.—The constitution and law provide for an independent and impartial judiciary in civil matters. As with criminal matters, citizens believed the civil judicial system was subject to influence from the outside, including by the government. Local courts address civil, criminal, economic, administrative, and other cases. The Supreme Court is the highest judicial authority.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, although observers and activists alleged that the government at times violated these prohibitions. The law requires approval from the prosecutor general for wiretaps, home searches, mail interception, and similar acts, including in cases relating to national security. Some activists and journalists confidentially alleged that their privacy was violated through wiretapping, eavesdropping, and theft of personal or professional information.

Cell phone operators MegaCom and Beeline confirmed that the security services wiretapped citizens. On April 15, parliament adopted a law requiring that mobile operators switch off the technical means serving security and investigative actions. Ar Namys parliamentarian Akylbek Japarov declared that the GKNB was responsible for violating the integrity of citizens' personal information with the use of a wiretapping system. The decree states that any wiretapping of electronic communication should be used exclusively to combat crime. Parliamentarian Dastan Bekeshev stated in a September 8 parliamentary session, however, that the decree had not been implemented because mobile operators had not reported turning off the wiretapping technology to the parliamentary committee.

In July 2009 then President Bakiyev signed into law an amendment to the Law on Defense and Armed Forces authorizing the military to confiscate private property for the purpose of state security. While this law remains on the books, there were no reports of such confiscations during the year.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—There were no reports of violent clashes during the year. The widespread ethnic violence in June 2010 between ethnic Kyrgyz and ethnic Uzbeks in Osh and Jalalabad oblasts resulted in the deaths of 400 to 500 individuals. In 2010 the government's investigative National Commission of Inquiry reported 426 confirmed deaths, of which 276 were of ethnic Uzbeks and 105 were of ethnic Kyrgyz. The international KIC report estimated at least 470 deaths, of which 75 percent (348) were of ethnic Uzbeks and 25 percent (118) were of ethnic Kyrgyz. Security forces, mainly composed of ethnic Kyrgyz, did not prevent the violence. Multiple reports surfaced that some units surrendered their vehicles, weapons, and uniforms to groups attacking ethnic Uzbek neighborhoods and may have participated in attacks. None of the investigations uncovered solid evidence of security forces' participation in the attacks.

Authorities claimed that they investigated the June 2010 violence without regard to ethnicity. However, the vast majority of those arrested in connection with the violence, on charges ranging from destruction of property to murder, were ethnic Uzbeks. A June 2011 HRW report noted that of 124 individuals arrested for murder, 115 were ethnic Uzbeks. Many of those arrested were tortured. According to a 2010 HRW report, prolonged and extensive beatings by fist, club, or rifle butt were the primary form of abuse. Victims also reported being suffocated with hoods or gas masks and burned with cigarette butts. Although government officials in oblasts where such abuses were alleged denied the claims, HRW reported finding 65 credible cases of torture.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—Freedom of Speech: The law provides for freedom of speech and press. In practice individuals generally could criticize the government publicly or privately without reprisal. Following the April 2010 change of government, the government took steps toward ensuring those rights were respected.

Freedom of the Press.—After the June 2010 violence, the Committee to Protect Journalists (CPJ) reported that two ethnic-Uzbek Radio Free Europe/Radio Liberty journalists in Osh received threats that forced them to stop working and leave the region temporarily. They had produced eyewitness reports of the ethnic unrest that differed from the reports produced by most domestic media outlets.

There were 40 to 50 regularly printed newspapers and magazines, 12 to 15 of which were state-owned with varying degrees of independence. The independent printing press run by the nongovernmental Media Support Center was the leading newspaper publisher in the country. More than 50 state-owned and private television and radio stations operated in the country, with two television stations, both state-owned, broadcasting nationwide. Government newspaper, television, and radio outlets continued to receive state subsidies.

Violence and Harassment.—At least eight journalists were attacked or threatened during the year. Although authorities opened investigations into some of the incidents, none were solved by year's end. In certain cases, even though some perpetrators' identities were known, the government did not prosecute the suspects. Some threats against journalists were anonymous; others were made by known figures such as politicians and government officials. Journalists were threatened for reporting on sensitive topics such as interethnic relations, the June 2010 events, and the rise of nationalism in the country. Others were threatened for reporting critically on public figures. Many journalists, even those not assaulted or threatened, admitted to self-censoring their reporting due to fear of being targeted.

The CPJ and other news outlets reported that on August 10, Shakrukh Saipov, an independent, ethnic Uzbek journalist, was abducted from the Osh airport, beaten, and left unconscious on a street in the village of Aravan, 17 miles from Osh. Saipov, who publishes an independent news Web site in Russian, Uzbek, and English, sustained a concussion, partial memory loss, several broken teeth, and a broken nose. The attackers did not steal any of his valuables. At year's end the police reported no progress in investigating the case.

On May 11, Radio Free Europe/Radio Liberty and other outlets reported that several assailants attacked and beat Samat Asipov, a journalist who covered parliament for Channel 5. Asipov was hospitalized for his injuries. The attackers did not steal his valuables. Although the police opened an investigation, they identified no suspects, and no one was prosecuted for the crime.

During the year authorities prosecuted Khalil Khudaiberdiyev, owner and director of Osh TV, and Dzhavlon Mirzkhodzhayev, owner of Mezon TV and several newspapers, along with four other exiled ethnic Uzbek citizens of Kyrgyzstan, including Khadyrzhan Batyrov (see section 1.e., Political Prisoners and Detainees). Khudaiberdiyev and Mirkhodzayev were specifically targeted because their TV stations broadcasted a May 2010 protest rally in Jalalabad. Although rally organizers denounced violence, Khudaiberdiyev, Mirzkhodzhayev, and the others were charged with participating in mass disorder, calls for separatism, and illegal creation of an armed group, among other charges. The CPJ called the charges fabricated. On October 28, both men were convicted and sentenced in absentia to prison terms of 14 years (Mirzkhodzhayev) and 20 years (Khudaiberdiyev), as well as state seizure of property.

Censorship or Content Restrictions.—A 2008 law, yet to be fully implemented, placed significant restrictions on television and radio broadcast companies and established Kyrgyz-language and local content requirements. Human rights activists

asserted that the law is unconstitutional because it conflicts with constitutional rights to freedom of speech and access to information.

Multiple anonymous sources alleged that some news outlets instructed their reporters not to report critically on certain politicians or government officials. Sources also reported that some news outlets received "requests" from offices of the government to report in a particular way or to ignore news stories.

Libel Laws/National Security.—Under the new constitution, libel is no longer a criminal offense. On July 11, President Otunbayeva signed legislation passed by parliament to implement that provision.

From September 25 until October 30—the period of the presidential election campaign—the national cable television provider blocked international news channels CNN and BBC. All of the Russian news channels were delayed, and later broadcasts removed stories referring to Kyrgyzstan. It was reported that the Russian embassy provided the technology to delay and edit the Russian broadcasts. These measures were taken in accordance with the new law on elections that sought to limit foreign media influence in the campaign.

Publishing Restrictions.—The Ministry of Justice requires all media to register and receive ministry approval in order to operate. The registration process nominally takes one month but in practice often took much longer. It included checks on the background of each media outlet's owner and the source of financing, including financing by international donor organizations.

Foreign media generally operated freely. The law prohibits foreign ownership of domestic media; however, there was a small degree of foreign ownership of media through local partners. Russian-language television stations dominated coverage and local ratings. A number of Russia-based media outlets operated freely in the country; the government treated them as domestic media. Several new broadcast licenses were issued in late 2010 and 2011, but the awards process remained cumbersome in that two licenses were required, one for content and one for broadcast spectrum. The process also lacked transparency.

All independent Uzbek-language media in the south stopped operating after the June 2010 violence, and aside from extremely limited Uzbek language content in Kyrgyz language outlets and publications, they did not resume during the year. In some cases there were reports that media outlets stopped operating because of local government pressure.

During the year there were no developments in the 2010 case of Ulugbek Abdusalamov, editor of the Uzbek-language newspaper Didor, charged with "organizing and participating in mass disorder," "inciting ethnic hatred," and "separatist activities aimed at destroying the territorial integrity of the state." According to human rights organizations, Abdusalamov had heart problems that may have resulted from beatings in prison, and his trial was postponed. At the end of 2010, Abdusalamov's attorney reported that his client and his family were missing and their whereabouts were unknown.

Internet Freedom.—Individuals and groups could engage in peaceful expression of views via the Internet, including e-mail, online forums, and blogs.

On June 16, parliament adopted a resolution banning the independent news website, fergananews.com (formerly fergana.ru) from operating within the country. Parliament justified its decision by saying that the site, which most observers see as independent and balanced, incited ethnic hatred. Activists called the move unconstitutional, and President Otunbayeva criticized the decision, recalling that the Bakiyev regime had tried to shut down the Web site. The government did not enforce the ban.

From February 22 to 28, the Web site gezitter.org, which translated and published Kyrgyz language news stories in Russian, was unavailable on all ISPs connected via Kyrgyztelecom. Because gezitter.org was still accessible outside of the country and on the few ISPs not affiliated with Kyrgyztelecom, it appeared as if the near monopoly provider had blocked the site, but expert opinion on the matter remained inconclusive. Kyrgyztelecom denied that it had blocked the site. The site operated normally after the end of February.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events. Religious higher educational institutions must follow strict reporting policies, but they reported no restrictions on academic freedom.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for the right of peaceful assembly. Organizers and participants of peaceful assemblies have the responsibility to notify authorities about planned assemblies, but the constitution prohibits authorities from banning or restricting peaceful assemblies, even in the absence of prior notification. According to the re-

port Monitoring the Right to Freedom of Peaceful Assembly in the Kyrgyz Republic, enforcement of freedom of assembly and existing laws does not always comply with the constitution. For example, local authorities still have the right to demand an end to public action, and in the case of noncompliance, they are empowered to take measures to end assemblies. The report contends that these powers are subject to abuse by local authorities. The government initiated a draft law "On Peaceful Assemblies" to close gaps between current laws, practice, and the constitution, but as of year's end, it had not passed.

In the first 10 months of the year, nearly 1,500 demonstrations freely took place.

Freedom of Association.—The law provides for freedom of association, and the government generally respected this right. NGOs, labor unions, political parties, and cultural associations must register with the Ministry of Justice. NGOs are required to have at least three members, and all other organizations at least 10 members. The Ministry of Justice did not refuse to register any domestic NGOs during the year and, following the April 2010 change of government, it allowed the Norwegian Helsinki Commission to operate in the country. The law prohibits foreign-funded political parties and NGOs, including their representative offices and branches, from pursuing political goals.

The government continued its ban on five organizations—Hizb ut-Tahrir (HT), the Islamic Party of Turkestan, the Organization for Freeing Eastern Turkestan, the Eastern Turkestan Islamic Party, and Tablighi Jamaat—that it alleged had ties to international terrorist organizations. Arrests and prosecution of persons accused of possessing and distributing HT literature continued. Although most arrests of alleged HT members in the past occurred in the south and involved ethnic Uzbeks, media reports tracked a continuing increase in detentions of ethnic Kyrgyz for HT-related activity in the north. The majority of those arrested were charged with distribution of literature inciting ethnic, racial, or religious hatred. In some cases police may have planted HT literature as evidence against those arrested.

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.—In-country Movement.—The law on internal migration provides for freedom of movement. The government generally respected this right in practice, and citizens generally were able to move within the country with relative ease. However, certain policies continued to restrict internal migration, resettlement, and travel abroad. The government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other organizations to provide some protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern. The law requires all persons to possess an official residence registration to work and live in a particular area of the country. Applicants for residence registration must file a request with the local police and be able to prove they have a place to live in the area. Individuals who do not register or who are registered in a town other than where they live can be denied access to subsidized health care or schooling.

Foreign Travel.—The law on migration prohibits travel abroad by citizens who have or had access to information classified as state secrets.

Internally Displaced Persons (IDPs).—According to the UNHCR, the June 2010 violence in Osh and Jalalabad oblasts displaced approximately 300,000 persons internally, as well as 75,000 persons who temporarily fled to Uzbekistan and later returned. The UNHCR, which led a multiimplementer emergency shelter construction project, announced in December 2010 that all those whose homes had been partially or totally destroyed in the violence had been provided with temporary shelter. However, the UNHCR cautioned that significant numbers remained displaced and were living with other families, were in transitional shelter on the plots of their destroyed homes, or had left the country. The Internal Displacement Monitoring Center (IDCM) estimated that 75,000 persons remained internally displaced at the start of the year. The government's State Directorate for Reconstruction and Development offered two options to families with damaged homes: a one-time grant equivalent to about $1,000, or a loan equivalent to approximately $4,200. Most returnees opted for the one-time grant. According to the IDCM, internally displaced persons continued to face issues concerning physical and food security, arbitrary arrest, the replacement of documentation, and limited access to livelihoods, health care, education materials, and sanitation.

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 doing so. During the year the government cooperated with the UNHCR and other organi-

zations to provide some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. According to the UNHCR, Uighurs remained at risk of deportation or extradition, particularly if they were involved with political and religious activities in China or if the Chinese government requested their return. The government also continued to deny Chechen refugees official refugee status, but it granted them asylum seeker status, which provided some legal protection. There were continued reports of Uzbek refugees hiding in the country due to fear of persecution by the Uzbek government.

Access to Asylum.—As in past years, several local citizens sought asylum in foreign countries, claiming they would face repression or legal persecution if they returned to the country.

Employment.—Refugees who lack official status in Kyrgyzstan do not have legal permission to work. They are therefore subject to exploitation by employers paying substandard wages, not providing benefits, and not complying with labor regulations. They cannot file grievances with the authorities. These refugees are also ineligible to receive state provided social benefits.

The Ministry of Migration, Employment, and Labor reported 193 refugees and 225 asylum seekers in the country as of August. Refugees were primarily from Afghanistan (182), along with several each from Syria, Iran, and China. Among the asylum seekers officially registered with the government were 47 from Afghanistan, 152 from Uzbekistan, nine from Iran, 13 from Russia, and small numbers from other countries including Turkey, China, Syria, and Pakistan.

Stateless Persons.—A UNHCR-funded survey conducted by local NGOs in late 2008 identified nearly 13,000 individuals living in the three southern oblasts who lacked any official documentation confirming their citizenship. The report listed several categories of stateless persons: Uzbek women who married Kyrgyz citizens but never received Kyrgyz citizenship (many such women allowed their Uzbek passports to expire, and regulations obstructed their efforts to gain Kyrgyz citizenship); individuals who continued to hold outdated Union of Soviet Socialist Republics passports because they failed to exchange their passports or never applied for citizenship; children born to one or both parents who are stateless; and children of migrant workers who had renounced their Kyrgyz citizenship in the hope of becoming Russian citizens. Stateless persons were denied state social benefits and prevented from working in formal sector jobs.

In September 2009 the UNHCR announced a plan of action for dealing with the problem of statelessness, including increasing public awareness and working with the government to improve the process for applying for citizenship. The UNHCR estimated that as a result of the plan of action, approximately 10,000 persons had been documented as citizens in 2010. As of September, 4,000 stateless persons had received Kyrgyz passports. At year's end the UNHCR estimated the total number of stateless persons in the country (both de jure and de facto) at slightly more than 17,000.

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 practice, however, this right had been restricted until the violent change of government in April 2010. Following the revolt, a provisional government took power and conducted a constitutional referendum at the end of June 2010 and parliamentary elections in October 2010. The country then held presidential elections on October 30, 2011.

Under the new constitution, the powers of the president, parliament, and government (headed by a prime minister) are divided. The president, who serves a six-year term, can veto legislation and appoints the heads of national security bodies. Members of parliament are elected to five-year terms on party lists and vote to approve a proposed government. Parliament can also vote to express no confidence in the government, after which the president may dissolve it. The constitution does not provide any officeholder with immunity from prosecution after the individual leaves office.

Elections and Political Participation.—Recent Elections.—On October 30, the country held a presidential election that was judged to be open and transparent, but not without problems and accusations of fraud by both local and international observers. Prime Minister Almazbek Atambayev defeated 15 other candidates with 62.52 percent of the vote. By attaining more than 50 percent of the vote, Atambayev prevented a runoff election. He assumed office December 1. The election was widely observed with nearly 800 international observers and thousands of local observers,

representing domestic NGOs, political parties, and the candidates themselves. Although not widespread, instances of fraud, including ballot stuffing and manipulation of polling station and precinct results, were observed and reported, as were problems with voter lists. For the first time, the country required citizens to register in advance and appear on voter lists in order to cast ballots. Although more than 300,000 people reportedly changed the location of their voter registration, thousands who went to the polls did not find themselves on the final voter list and were not allowed to vote. International and local observation missions noted the problems, but the general consensus was that they did not change the outcome of the election. Atambayev's two closest competitors, who each received approximately 15 percent of the vote, alleged widespread fraud and challenged the results. Nonetheless, the Central Election Commission certified the results on November 12.

Participation of Women and Minorities.—There were no legal restrictions on the participation of women in politics; however, with the notable exception of President Roza Otunbayeva, traditional attitudes at times hindered women from holding high office or playing active roles in political life. There were no female candidates on the 2011 presidential ballot. Twenty-five women representing five political parties occupied seats in parliament due to parliamentary election code mandates aimed at ensuring gender diversity. The code requires that male and female candidates be no more than three spaces apart on party lists and that no more than 70 percent of candidates on a party list be of the same gender.

National minorities, which made up 35 percent of the population, were underrepresented in government positions, particularly Russians and Uzbeks, the two largest ethnic minority groups. Fourteen of the 120 parliament members belonged to a national minority. The law requires that at least 15 percent of candidates on party lists be ethnic minorities.

The Minister of Social Protection was the only ministerial position held by a woman during the year. From April through the end of the year, the position of prosecutor general was also held by a woman. No one known to be of an ethnic minority held a cabinet-level government position. As of October women occupied 19 percent of the 675 government positions.

Section 4. Official Corruption and Government Transparency

Corruption remained endemic at all levels of society. The law provides criminal penalties for official corruption; however, the government did not enforce the law effectively, and officials engaged in corrupt practices with impunity.

The payment of bribes to avoid investigation or prosecution was a major problem at all levels of law enforcement. Likewise, law enforcement, particularly in the south, frequently employed arbitrary arrests, torture, and the threat of criminal prosecution as a means of extorting cash payments from citizens (see section 1.d.).

The law gives persons the right to request information from the government, and the government generally complied with such requests; however, the process was typically slow, rendering the service less useful.

On October 12, the GKNB launched a Web site to make its work more open and accessible to the public.

On September 23, GKNB officers detained an Oktyabrskiy district court judge for receiving a $1,000 bribe in exchange for stopping a criminal case. The investigation division of the GKNB opened a criminal investigation.

On September 12, the GKNB's investigation division completed its investigation of several MVD officers for illegal weapons and ammunitions trade and sent the case to the court. The investigation discovered weapons and ammunition missing from the MVD weapons storehouse.

In September the GKNB's press service announced that the committee had fired two GKNB officers for trafficking precious metals into the republic and six counterintelligence officers for faking reporting documents.

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

Despite recently loosened restrictions on the activities of domestic and international organizations that report on human rights in the country, law enforcement officials harassed and threatened human rights activists who reported on ongoing abuses and those committed during and after the June 2010 ethnic violence. Although the central government regularly met with local and international organizations to discuss their activities and acknowledge their concerns, it failed to respond to some international organizations' questions, requests, or reports.

On November 17, Sardar Bagishbekov, director of Golos Svobody and a prominent human rights activist, received a threatening telephone call from a colonel in the Ministry of Internal Affairs. Bagishbekov and others had been pursuing the criminal

prosecution of the colonel's son, also a police officer, for torture and were operating a prison and torture monitoring project. The colonel warned Bagishbekov and his colleagues to back off the case and their monitoring activities. He threatened that after the December 1 departure of President Roza Otunbayeva, things would be different for human rights defenders, implying that the government would not protect them. Bagishbekov filed a complaint with the Prosecutor General's Office, which referred the incident back to the ministry, and the colonel was verbally reprimanded. The defendant in the torture case was dismissed from the police force and was awaiting trial at the end of the year. Three other officers also charged in the case remained on the force.

On September 21, Marsel Abdirasulov, the 19-year-old son of human rights activist Aziza Abdirasulova, was removed from his home and detained by four members of Bishkek's Sverdlovskiy district Department of Internal Affairs. He was detained in connection with an alleged assault and robbery. The officers were dressed in street clothes and initially did not identify themselves as police officers. Abdirasulov denied involvement in the incident and had an alibi. After being questioned for several hours, he was released and the charges against him were later dropped. On the date of his arrest, his mother and other activists had traveled to Osh to monitor detention centers. Abdirasulova claimed that her son's arrest was directly related to her monitoring and human rights activity.

U.N. and Other International Bodies.—In September 2010 President Otunbayeva authorized an international independent commission led by Kimmo Kiljunen, special representative of the OSCE Parliamentary Assembly for Central Asia, to investigate the cause and circumstances of the June 2010 interethnic violence. The KIC, which was completely independent of the OSCE, received government cooperation, and its detailed report was released on May 4. Most independent observers judged the report to be balanced and exhaustively researched.

The KIC faulted the provisional government on a number of grounds, including "failing to recognize or underestimating the deterioration in interethnic relations in southern Kyrgyzstan" and failing to deploy security forces with clear rules of engagement for non-lethal use of force.

The government disputed the findings of the May KIC report, calling them one-sided. In response to the report, parliament passed a resolution on May 26 that banned KIC Chairman Kiljunen from entering the country. The resolution accused him of distributing unconfirmed, biased information about the events to the international community. The resolution also instructed the prosecutor general to prevent the circulation of unconfirmed information and prosecute those responsible for its circulation.

The government permitted visits by representatives of the U.N. and other organizations, including the OSCE, ICRC, Norwegian Helsinki Committee, and International Organization for Migration (IOM). The government postponed the scheduled fact-finding mission of the U.N. special rapporteur on torture. The visit was originally scheduled for May but took place in December.

Government Human Rights Bodies.—The Office of the Ombudsman acts as an independent advocate for human rights on behalf of private citizens and NGOs and has authority to recommend cases to court for review. The Ombudsman's Office actively advocated for human rights. The ombudsman told parliament that his office had received approximately 10,180 complaints during the year and had addressed all of them. The atmosphere of impunity surrounding the security forces and their ability to act independently against citizens limited the number and type of complaints to the office.

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

The law prohibits discrimination based on race, gender, disability, language, or social status. Although women were active in government, education, civil society, the media, and small business, they encountered gender-based discrimination. Rights activists claimed authorities failed to apprehend or punish perpetrators of crimes of discrimination during the year.

Women.—Rape and Domestic Violence.—Rape, including spousal rape, is illegal; however, the government failed to enforce the law effectively. Activists continued to note a growing number of rape cases, although this may have been due to increased reporting of attacks. NGOs claimed that rape cases were dramatically underreported and were rarely brought to court. No statistics relating to the number of cases or convictions during the year were available.

The law specifically prohibits domestic violence and spousal abuse; however, violence against women remained a problem. According to a poll conducted in 2008-09 by the Association of Crisis Centers, 83 percent of respondents stated there was

physical violence against women in the home. The U.N. Women's Development Fund also stated that between 40 and 50 women and girls were hospitalized in the Bishkek city hospital every month because of domestic violence. According to the Ministry of Internal Affairs, police responded to almost 10,000 cases of family conflict annually, and nearly 15 percent of crimes committed during family conflicts resulted in death or serious injury. Many crimes against women were not reported due to psychological pressure, cultural traditions, and apathy among law enforcement officials. Furthermore, there were reports of spouses retaliating against women who reported abuse. Penalties for domestic violence ranged from fines to 15 years' imprisonment, the latter if abuse resulted in death.

Several local NGOs provided services for victims of domestic violence, including legal, medical, and psychological assistance, a crisis hotline, shelters, and prevention programs. In 2009, according to the Association of Crisis Centers, their 13 member shelters had 6,620 women as clients. Organizations assisting battered women also lobbied to streamline the legal process for obtaining protection orders. The government provided offices for the Sezim Shelter for victims of domestic abuse and paid its bills. According to the Sezim, its hotline received 2,019 telephone calls during the year. Ninety percent of calls were made by women, and 507 of them involved domestic violence cases. The shelter provided services to 256 individuals, including 122 children. It reported that 104 women and 105 children were victims of domestic violence.

Harmful Traditional Practices.—Although prohibited by law, the traditional practice of kidnapping women and girls for forced marriage continued in rural areas. Recent independent studies estimated that 50 to 75 percent of all marriages in the country involved bride kidnapping. While some cases were consensual, reports estimated that up to two-thirds of bride kidnappings were nonconsensual. Cultural traditions discouraged victims from going to the authorities. Reportedly, some victims went to the local police and obtained protective orders, but the orders were often poorly enforced.

In the first half of the year, the press reported that in Issyk Kul Province, two 20-year-old women forced into marriage through bride kidnapping committed suicide.

On February 12, a 16-year-old girl in the town of Bashi in Naryn oblast was kidnapped for the purpose of forced marriage. The case was under investigation, although the girl continued to live with her new family as a spouse at year's end. It was reported that the director of the school where the girl studied may have been involved in her kidnapping.

Sexual Harassment.—According to an expert at the local NGO Shans, sexual harassment was widespread, especially in private sector workplaces and among university students, but was rarely reported or prosecuted. The law prohibits physical sexual assault but not verbal sexual harassment. Penalties for sexual assault range from three to eight years' imprisonment.

Reproductive Rights.—Couples and individuals have the right to decide the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. National health regulations require that family planning counseling and services be readily available through a range of health professionals including not only obstetricians and gynecologists but also family doctors, paramedics, and nurse-midwives. At the level of primary health care, regulations require that women who request contraceptives can receive them regardless of ability to pay. The country's Essential Drug List (a list of drugs and other medical items that all government medical clinics should have in supply and available to patients) also includes different types of contraceptives. National health protocols require that women be offered postpartum care and counseling on methods and services related to family planning. The government offered special programs to meet the needs of vulnerable target groups, such as adolescents, internally displaced persons, new urban migrants, persons in prostitution, and the very poor. No information was available relating to gender differences in diagnosis or access to treatment for sexually transmitted infections.

According to statistics provided by the Population Reference Bureau, access to contraception and maternal health care was widely available, and virtually all births in urban areas and 96 percent of births in rural areas were attended by skilled personnel.

Discrimination.—In 2008 then President Bakiyev signed a law providing for equal rights for men and women. According to the presidential press service, the "document establishes state guarantees in terms of providing equal rights and opportunities for persons of various sexes in political, social, economic, cultural, and other fields, and aims to protect men and women against discrimination on the basis of

sex." Women have the same rights as men, including under family law, property law, and in the judicial system, although discrimination against women persisted in practice. According to an expert from the NGO Women's Educational Coalition for Equal Rights, Development, and Peace, the property rights of women from Muslim families were not protected, and those women were subject to discrimination when applying for jobs or entering educational institutions. The National Council on the Issues of Family, Women, and Gender Development, which reports to the president, is responsible for women's issues.

Average wages for women were substantially less than for men. Women made up the majority of pensioners, a group particularly vulnerable to deteriorating economic conditions. In rural areas traditional attitudes toward women limited them to the roles of wife and mother and curtailed educational opportunities. Data from NGOs working on women's issues indicated that women were less healthy, more abused, less able to work outside the home, and less able than men to determine independently the disposition of their earnings. According to the U.N. Development Fund for Women and domestic NGOs, women did not face discrimination in access to credit or owning businesses.

The annual government-sponsored media campaign to combat violence against women took place during the year. According to NGOs the campaign helped to coordinate the efforts of groups combating violence against women and give them a greater voice.

Children.—Birth Registration.—According to the law, every child born in the country has the right to receive a birth certificate, local registration, and citizenship; however, some children were stateless (see section 2.d.). The UNHCR reported that children of migrant parents who have moved and/or acquired citizenship of another country—in many cases, Russia—had to prove that both of their parents were Kyrgyz citizens. These children encountered difficulties obtaining citizenship if their parents lacked the necessary documentation.

Education.—The law provides for compulsory and free education for the first nine years of schooling, or until age 14; secondary education is free and universal until age 17. However, financial constraints prevented the government from providing free basic education for all students, and the system of residence registration restricted access to social services, including education for certain children, such as refugees, migrants, and noncitizens. The law carries penalties for parents who do not send their children to school or who obstruct their attendance. This law was only sporadically enforced, particularly in rural areas. Families who kept children in public schools often had to pay burdensome and illegal administrative fees. The government continued to fund two programs to provide school supplies and textbooks to low-income children and those with mental or physical disabilities. Legally, all textbooks should be free of charge, but the government was unable to provide them to all students.

Medical Care.—The government provided health care for children; however, refugee, migrant, noncitizen, and internally displaced children had problems accessing health care due to the system of residence registration.

Child Abuse.—Child abuse, including beatings, child labor, and commercial sexual exploitation of boys and girls continued to be a problem. In addition gang-related child-on-child violence in schools was a growing trend.

As in previous years, there were numerous reports of child abandonment due to parents' lack of resources, and large numbers of children lived in institutions, in foster care, or on the streets. Approximately 80 percent of street children were internal migrants. Street children had difficulty accessing educational and medical services. Police detained street children and sent them home (if an address was known) or to a rehabilitation center or orphanage. The Rehabilitation Center for Street Children in Bishkek, maintained by the Ministry of Internal Affairs, continued to lack sufficient food, clothes, and medicine and remained in poor condition. In 2007 the center provided rehabilitation assistance to approximately 400 children and sheltered 70, according to UNICEF. In 2008 IOM, with foreign government funding and State Committee for Migration and Employment (SCME) assistance, renovated the Rehabilitation Center for Children in Osh, staffed it with personnel from an IOM-trained NGO, Ulybka, and stocked it with food and supplies. According to Ulybka employees, 698 children received shelter, rehabilitation, and psychological counseling in 2009, 55 of whom were found to have been victims of child labor or sexual exploitation. The center was destroyed during the ethnic conflict in the south in June 2010, but by August it had been reconstructed. In the period from August to November, 290 children received assistance in the center.

Harmful Traditional Practices.—Although illegal, the practice of bride kidnapping continued (see section 6, Women), and underage abductions during the year were

likely underreported. Children who are 16 and 17 may legally marry with the consent of local authorities, but marriage before age 16 is prohibited under all circumstances. The government did not have a program to address the problem of child marriage. Instead local authorities handled reports of its occurrence on a case-by-case basis. According to a report by the U.N. Committee on Children, between 2003 and 2009 the Prosecutor General's Office initiated 27 cases against underage bride kidnapping and forced marriage.

State orphanages and foster homes lacked resources and often were unable to provide proper care. Some older children were transferred to mental health care facilities even when they did not exhibit mental health problems. According to data provided by the Government Social Protection Development Agency, more than 20,000 children lived in state institutions or foster care.

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

Anti-Semitism.—No law specifically prohibits espousing or printing anti-Semitic rhetoric. On April 26, the prosecutor general announced that it would enforce Article 299 of the criminal code and prosecute media outlets that publish articles that incite national, racial, religious, or interregional strife. However, Kyrgyz-language newspapers published articles, commentary, or quotes that were anti-Semitic. Such rhetoric typically appeared in smaller, nationalistic fringe publications. On August 9, however, two anti-Semitic articles appeared in the mainstream newspaper, Fabula. One article about a group associated with a prominent foreigner investing in a Kyrgyz aluminum business ran the sub-headline, "Will a Jew Run the Aluminum Mine?" The article also referred to two separate unpopular business deals associated with Jewish businessmen. The second article quoted the recently unseated chief of Bishkek's traffic police criticizing his replacement for "being disloyal to the Kyrgyz Republic since he is Jewish and not ethnic Kyrgyz." On April 27, the Kyrgyz-language newspaper Aykin Sayasat published an editorial entitled "Will the Jews Leave Us with Nothing?" The article used a derogatory term for Jews ("zhydy") and accused them of, among other things, planning to humiliate the Kyrgyz people and turn the country into a swampland. None of the above-mentioned publications were prosecuted for publishing such statements.

Approximately 1,500 Jews lived in the country.

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, but in practice such persons faced discrimination in employment, education, access to health care, and the provision of other state services. The law mandates access to buildings for persons with disabilities and requires access to public transportation and parking, and it authorizes subsidies to make mass media available to persons with hearing or visual disabilities and free plots of land for the construction of a home; however, the government generally did not ensure that these provisions of the law were implemented. In addition persons with disabilities often had difficulty finding employment because of negative societal attitudes and high unemployment among the general population.

The lack of resources made it difficult for persons with disabilities to receive adequate education. Although children with disabilities have the right to an education, Gulbara Nurdavletova of the Association of Parents of Children with Disabilities stated that most were denied entry into schools. Parents sometimes established special educational centers for their children, but they did not receive government assistance.

Serious problems continued within psychiatric hospitals. The government did not provide basic needs such as food, water, clothing, heating, and health care, and facilities were often overcrowded. Inadequate funding played a critical factor. In 2008 a parliamentary commission reported violations of patients' rights in a number of mental hospitals, mainly due to lack of funding.

Authorities usually placed children with mental disabilities in psychiatric hospitals rather than integrating them with other children. Other patients were also committed involuntarily, including children without mental disabilities who were too old to remain in orphanages. The Youth Human Rights Group monitored the protection of children's rights in institutions for children with mental and physical disabilities. The group noted gross violations by staff at several institutions, including depriving young patients of sufficient nourishment and physically abusing them.

The Office of the Prosecutor General is responsible for protecting the rights of psychiatric patients and persons with disabilities. According to local NGO lawyers, the members of the Prosecutor's Office had no training and little knowledge of the

protection of these rights and were ineffective in assisting citizens with disabilities. Most judges lacked the experience and training to determine whether persons should be referred to psychiatric hospitals, and the practice continued of institutionalizing individuals against their will.

The country does not have centralized statistics about those with disabilities, but authorities estimated the number between 20,000 and 30,000.

Dastan Bekeshev, a blind member of parliament, stated that local society discriminated heavily against persons with disabilities. He contended that the 2008 law requiring all employers to provide special quotas (approximately 5 percent of working positions) for people with disabilities had not been implemented.

*National/Racial/Ethnic Minorities.*The interethnic situation between ethnic Kyrgyz and ethnic Uzbeks in the south remained tense, characterized by arbitrary arrests, detention, torture, and extortion of ethnic Uzbeks by members of security services. Since June 2010 little progress was made in terms of reconciliation. Ethnic Uzbek citizens in Osh and Jalalabad reported discrimination in finding jobs, particularly with the government. There were multiple reports of seizure of ethnic Uzbek businesses and property.

In September Osh Mayor Melis Myrzakmatov proposed changing the teaching language at the city's Uzbek language schools to Kyrgyz. Although he claimed the purpose was to benefit students by increasing their ability to find jobs in the country and study at higher learning institutions, many criticized the proposals as ethnic discrimination. At year's end the proposal had not been enacted.

International observers criticized the government for failing to implement a national ethnic plan, a key recommendation of the KIC report, and other recommendations for national reconciliation. Two such plans were proposed during the year. The Office of the President introduced its "Draft Concept for Ethnic Policy and Consolidation of Society in Kyrgyzstan" in late March. The political party Ata-Jurt introduced its "State Ethnic Policy in the Kyrgyz Republic" on April 27. Observers criticized the Ata-Jurt draft. They contended that it directly contradicted the constitution and laws and that it violated internationally accepted human rights principles because it promoted the notion of Kyrgyz ethnicity as the central element of nationhood. They further alleged that the plan's purpose was to promote the nationalist Ata-Jurt party prior to the impending presidential elections. Neither plan had been implemented by the end of the year, but the Ata Jurt plan had passed one of the required three readings in parliament, which established a working group to develop it further.

Minorities alleged discrimination in hiring, promotion, and housing, but no official reports were registered with local authorities.

The law designates Kyrgyz as the state language and Russian as an official language, and it provides for the preservation and equal and free development of minority languages. Non-Kyrgyz-speaking citizens alleged that a ceiling precluded promotion beyond a certain level in government service. They also alleged that unfair language examinations disqualified some candidates for office. A government initiative to increase official use of Kyrgyz further raised concerns among non-Kyrgyz ethnic groups about possible discrimination.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—According to HRW and a local NGO, lesbian, gay, bisexual, and transgender (LGBT) individuals faced severe oppression, and the government failed to protect their rights. LGBT persons whose sexual orientation was publicly known risked physical and verbal abuse, possible loss of work, and unwanted attention from police and authorities. Inmates and officials often openly victimized incarcerated gay men. Doctors sometimes refused to treat LGBT individuals. Forced marriages to men for lesbians and bisexual women also occurred. Labrys Public Foundation noted the practice of lesbians and/or their partners being raped by their own family members as a punitive measure or as a so-called method of "curing" their homosexuality. The practice was underreported, and its extent was therefore difficult to estimate. Closeted gay individuals were subject to police extortion and harassment. Labrys asserted that the police did not seriously investigate crimes against LGBT individuals.

Labrys reported that on October 6, a transgender female sex worker and her gay male friend were allegedly lured to a construction site by a security guard who had offered to pay for sex. When they arrived, the guard insulted, beat, and stabbed them. He offered to spare their lives if they told police that they had tried to rob the site. While the police did not believe the robbery story, they verbally insulted the transgender woman at the police station before she was taken to the hospital. The police opened an attempted murder investigation against the security guard, but the case remained pending at year's end.

In April a gay man who had invited someone he met via a gay dating Web site to his home reported that police showed up at his door within minutes of the other man's arrival. The police knew that they were raiding a same-sex romantic meeting, and the invited man fled. The police demanded money, and when the man did not pay, they beat him and threatened to kill him if he reported them. He did not report the incident to the police and stated that the police monitor gay Web sites to identify extortion targets.

A single NGO supported advocacy campaigns, conducted training, organized festivals, and operated a community center and shelter in support of LGBT persons. In January the Ministry of Justice initially refused to register the organization "Pathfinder: the Alliance of Social Services of Gays and Lesbians." However, the ministry later allowed the organization to register when it changed its name to simply "Pathfinder."

Other Societal Violence or Discrimination.—In October 2009, during an interparliamentary conference in Bishkek, local human rights organizations and government officials formally recognized that persons with HIV/AIDS in the country faced societal discrimination.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law permits citizens to form and join trade unions and allows unions to conduct their activities without interference. The law grants the right to strike, but the conditions required to receive formal approval made the procedure difficult and complicated. The law does not prohibit retaliation against strikers. The law on government service prohibits government employees from striking, but the prohibition does not apply to teachers, medical professionals, or members of the armed forces. The law recognizes the right of unions to organize and bargain collectively.

According to labor experts, many unions still operated as quasi-official institutions and took state interests into account, rather than representing exclusively the interests of workers. The Federation of Trade Unions (FTU), with an unconfirmed membership of 200,000 workers, or 9 percent of the workforce, remained the only umbrella trade union in the country. Unions were not required to belong to the FTU, and there were several smaller unaffiliated unions. One of the largest of these was the Union of Entrepreneurs and Small Business Workers, with a claimed membership of approximately 60,000.

In practice trade unions exercised the right to organize and collectively bargain on behalf of their members. Workers exercised their rights to join and form unions. Union leaders generally cooperated with the government, and international observers judged that unions represented the interests of their members poorly.

Some unions alleged unfair dismissals of union leaders and formation of yellow unions.

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, especially involving foreign laborers in agriculture. The government did not fully implement legal prohibitions. Unlike in previous years, there were no reports by the NGO Mental Health and Society during the year that psychiatric hospital patients were forced to work or provide domestic service for doctors and local farmers.

The Ministry of Labor, with IOM support, operated a hotline to provide information to potential migrants and to help victims of labor trafficking. According to the ministry, 8,322 persons used the hotline during the year. In September the ministry and IOM launched a campaign to raise awareness of the hotline and other information resources for potential labor migrants.

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 economic exploitation and from work that poses a danger to their health or development; however, child labor remained a widespread problem. The minimum legal age for basic employment is 16, except for work considered by the government to be "light," such as selling newspapers. In addition, children as young as 14 may work with the permission of a parent or guardian. The law prohibits the employment of persons under 18 at night, underground, or in difficult or dangerous conditions, including the metal, oil, and gas industries; mining and prospecting; the food industry; entertainment; and machine building. Children who are 14 or 15 may work up to five hours a day; children who are 16 to 18 may work up to seven hours a day. These laws also apply to children with disabilities.

A UNICEF report covering the period of 2003 through 2009 cited NGO reports of child labor in coal mining in the village of Sulukta and in sifting uranium tailings in the village of Orlovka.

According to a 2010 speech by the deputy minister of labor, employment, and migration, 670,000 children between the ages of five and 17 were working, primarily in agriculture on tobacco, rice, and cotton plantations, but also in car washes, trading, and other activities.

Internal trafficking of children for the purposes of commercial sexual exploitation and forced labor remained a problem. A 2008 study funded by the International Labor Organization found an increase in the employment of trafficked children to sell and distribute illicit drugs.

The Prosecutor General's Office and the State Labor Inspectorate are responsible for enforcing employers' compliance with the labor code. During the year inspectors conducted spot checks of child labor law compliance, but these were infrequent and ineffective. The Ministry of Internal Affairs conducted raids and recorded 830 cases of illegal child labor. Since many children worked for their families or were self-employed, it was difficult for the government to determine whether work complied with the labor code. During the year the Prosecutor General's Office conducted 81 checks and issued prosecutor warnings on 63 incidents. Although employers found violating the labor code could be charged with financial or criminal penalties, punishment was usually minimal. The Prosecutor General's Office initiated one administrative case and issued disciplinary and administrative reprimands to 17 individuals.

The government supported several social programs to prevent the engagement of children in exploitative child labor.

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

d. Acceptable Conditions of Work.—The 2011 official national minimum monthly wage was KGS 600 ($13). Minimum wage serves as an indicator for different types of official government fines, rather than an actual minimum wage requirement for employers. Employers generally paid somewhat higher wages. The law on minimum wage states that it should be raised gradually to meet the cost of living. The government does not set an official poverty level, but it estimated the monthly minimum cost of living for a family of four to be KGS 17,690 ($383), which is above the country's reported average monthly wage. In August the National Statistics Committee reported that the average monthly salary was KGS 8,185 ($177).

The standard workweek is 40 hours, usually within a five-day week. For state-owned industries, there is a mandated 24-hour rest period in the workweek. According to the labor code, overtime work cannot exceed four hours per day or 20 hours per week and must be compensated with compensatory leave or with premium pay of between 150 and 200 percent of the hourly wage. These provisions were mainly enforced at large companies and organizations with strong trade unions. Small and informal firms had no union representation.

Safety and health conditions in factories were poor. The law establishes occupational health and safety standards, but the government generally did not enforce them. The State Labor Inspectorate is responsible for protecting workers and carrying out inspections for all types of labor problems, but its activities were limited, and business compliance was uneven. The FTU and other trade unions are empowered to enforce all labor laws. Workers in all industries have the right to remove themselves from dangerous workplaces without jeopardizing their employment, and workers sometimes exercised this right in practice.

Unregistered foreign workers in the country could not exercise the same rights as registered workers because they cannot register complaints with the authorities and do not pay into and receive benefits from the social fund.

Government licensing rules place strict requirements on companies recruiting Kyrgyz citizens to work abroad, and companies must be licensed by the Ministry of Labor, Employment, and Migration before they can recruit. The government regularly published a list of licensed and vetted firms. Recruiters are required to monitor employer compliance with employment terms and the working conditions of labor migrants while a work contract is in effect. Recruiters are also required to provide workers with their employment contract prior to their departure. The government also took steps to streamline labor migration by adopting a program on the regulation of migration processes and collaborating with the governments of Russia, South Korea, and Kazakhstan to improve the protection of rights of Kyrgyz labor migrants working abroad. The Ministry of Labor had representatives in several Russian cities to assist Kyrgyz labor migrants, who sometimes encountered discrimination, poor working conditions, or violence.

MALDIVES

EXECUTIVE SUMMARY

The Republic of Maldives is a multiparty constitutional democracy. In 2008 parliament ratified a new constitution that provided for the first multiparty presidential elections. In relatively free and fair elections in October 2008, Mohamed Nasheed became the country's first directly elected president. Security forces reported to civilian authorities.

The most significant human rights problems include restrictions on religious rights, abuse and unequal treatment of women, and corruption of government officials. The constitution requires all citizens to be Muslim, and the government's Ministry of Islamic Affairs actively polices and enforces compliance with Islamic practices. There were reports of religion-related self-censorship in the press and among civil society contacts. Nongovernmental organizations (NGOs) condemned the performance of the judiciary and executive branch for their inadequate treatment of criminal cases, especially rape. Corruption existed within the judiciary, members of parliament, and among officials of the executive and state institutions.

Other human rights problems reported included flogging, arbitrary arrests, harassment of journalists, and discrimination against expatriate laborers. Migrant laborers were subjected to labor abuses and were the primary victims of human trafficking. Many laborers migrated illegally into the country, making them particularly vulnerable to forced labor and debt bondage.

The government took steps to prosecute and punish some police and military officials who committed abuses, but several judges allegedly enjoyed 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.

On January 14, Abdulla Basith Zubair died while in police custody. Zubair was arrested along with another man on charges of drug possession. The police claimed that Zubair died of an overdose, but Zubair's friends accused the police of beating him to death, claiming that one of Zubair's friends witnessed the incident. The Police Integrity Commission (PIC) investigated the case and concluded that the police were not responsible for Zubair's death, although the PIC called for revised safety procedures when holding suspects. According to Zubair's autopsy report, there were no signs of injury on Zubair's body and he died of cardiorespiratory arrest.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, although there were reports of mistreatment of individuals by security forces, including beatings by the police, and unconfirmed reports of torture in custody.

On January 22, a 17-year-old boy told the media that he was arbitrarily arrested and beaten by a squad of policemen in Male. According to the boy, a policeman approached him earlier that day while he was on the telephone, and he declined to respond. The police allegedly beat the boy and claimed the boy attempted to attack a policeman. The police acknowledged that the boy had submitted a complaint that he was tortured and were investigating the matter.

During the year the PIC reported the incident of a woman who was physically and sexually abused inside a police car by four police officers, taken around the city for an indeterminate period, made to strip her clothes, and thrown out of the car onto the street. The police discharged the four officers, but at year's end there were no criminal charges. The PIC was investigating the case.

In July two men arrested in relation to an abortion case in Thinadhoo lodged a complaint with the PIC that police tortured them while in detention. The case was under investigation.

The law permits flogging as a form of punishment. According to 2010 statistics from the Judicial Services Administration, the courts sentenced 96 individuals to flogging; more than 80 percent of those convicted were women. Three of these sentences were from the juvenile court and 52 from atoll courts. Most flogging sentences were given for birth out of wedlock and fornication, resulting in a disproportionate number of women flogged. At the end of August, 71 cases of birth out of wedlock were lodged with the police, of which 61 cases were investigated and forwarded to the prosecutor general. While pregnancies incriminate women, men can deny the charges and escape punishment because of the difficulty of proving fornication or adultery under sharia (Islamic law). The higher conviction rate for women allegedly was due to gender insensitive judges and the dismissal of forensic evidence

by the courts. In the absence of an evidence act, judges used forensic evidence at their discretion.

Prison and Detention Center Conditions.—Prison conditions generally met international standards, and the government permitted visits by independent human rights observers. The Department of Penitentiary and Rehabilitation Services (DPRS) oversees the operation of three prison facilities and one remand center: Maafushi Prison, Asseryi Prison, Male Prison, and Male Remand. Male Prison and Male Remand are located in the capital city, and the other prisons are located on separate islands within a one-hour boat ride from the capital city. The DPRS incarcerates only convicted prisoners. After the ratification of the constitution, pretrial detainees were held separately from convicted prisoners. Detention facilities were located on Dhoonidhoo Island and Maafushi Island. Women are held separately from men in Maafushi Prison and guarded by female prison officers. Conditions in the women's area of the prison were similar to those in the men's area, although there were fewer female inmates per cell.

Juveniles awaiting sentencing are held in a juvenile correctional facility on Feydhoofinolhu Island until their cases are heard. Most convicted juveniles are held under house arrest because there are no juvenile pretrial detention centers in the country.

The DPRS prison system has an estimated capacity of 765 prisoners, and the total prison population was 822. Of this population, 787 were men and 35 were women. Drug offenders accounted for 66 percent of the prison population, of which approximately 70 percent were incarcerated for drug use and 1 percent for drug possession.

The government generally permitted regular prison visits by the Human Rights Commission of Maldives (HRCM), the International Committee of the Red Cross (ICRC), and other international assessment teams. The U.N. Development Program (UNDP) published a prison assessment in September, for which they interviewed 60 percent of the prison population. Major complaints included a lack of structured programs, use of torture and inhumane treatment, discrimination towards foreign prisoners, politicians providing false hope in return for participation in riots and protests, a lack of segregation according to crime or discipline, and the availability of drugs inside prison. The UNDP report noted that prisons lacked qualified personnel, adequate educational facilities, vocational guidance, and drug rehabilitation programs. The report noted the need to pass the penal code, criminal procedure code, evidence bill, drugs bill, and prison and parole bill as a matter of urgency, noting that in the absence of these bills, the existing legislative framework would not support the human rights guaranteed under the constitution.

In its 2010 annual report, the ICRC stated that it visited detainees at six detention facilities and shared its findings and recommendations confidentially with authorities. The ICRC reported that the organization would phase out prison visits because there were no longer security-related prisoners.

The National Preventive Mechanism (NPM) established by the HRCM monitors any death or other allegations related to prisons or prison authorities. The HRCM maintains a Web site in which reports on occasional jail visits, other human rights investigations, and annual reports were available.

During the year the NPM visited nine police custodial centers: Male Police Custodial, three island police stations, Dhoonidhoo Police Custodial immigration detention centers in Male and Hulhumale, Male Prison, and a Correctional Training Center for Children in Feydhoofinolhu. After a visit to Dhoonidhoo Police Custodial in February, the NPM observed that conditions had improved from 2010. Prisoners had access to potable water. Nonetheless, it reported complaints of harsh disciplinary punishment and humiliating security checks. It also noted that the sanitary conditions in the cells were unsatisfactory. The NPM recommended that police conduct human rights training or refresher courses for officers, allow detainees in solitary confinement out of the cell for a walk every few days, establish a mechanism to expedite investigation and trial, and build a separate unit for juvenile detainees. The NPM also visited a home for people with special needs, a drug rehabilitation center in Himmafushi, an education and training center for children, and the orphanage in Villingili.

The NPM makes a visit plan a year ahead, conducts visits throughout the year according to this plan, and publishes an annual report of its findings. During the year, however, the NPM decided not to make full detention reports available to the public. It now publishes a short summary of each visit and sends the full detention report to the president, parliament, and other relevant offices.

In order to reduce overcrowding at Maafushi Prison, the government built a new wing for 300 persons, and prisoners were transferred to the facility in late 2010. The DPRS implemented a Second Chance Program as an alternative sentencing program to decriminalize minor drug offenses and focus on rehabilitation. The DPRS

reported that it had a database. recordkeeping system, and adequate communication between the prisons and headquarters and between the DPRS and Maldives Police Service (MPS).

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. The constitution also provides compensation for those detained without legal justification. On August 16, the Civil Court ordered the police to pay compensation to opposition Member of Parliament Abdullah Yameen who was, according to Amnesty International, arbitrarily arrested and detained in June 2010. No charges were filed against Yameen.

Role of the Police and Security Apparatus.—The Maldives National Defense Force (MNDF) is responsible for external security and also handles disaster relief operations and national emergencies. The director of the MNDF reports to the minister of defense. The president is commander in chief of the MNDF. The MNDF has a program of human rights awareness courses for personnel.

The MPS, which is responsible for internal security, public safety, and law and order, is subordinate to the Ministry of Home Affairs. The MPS generally functioned effectively to fulfill its responsibilities and established internal organs and mechanisms with a human rights focus.

The prosecutor general referred cases to appropriate courts based on the results of police investigations. The authorities generally kept the details of a case confidential until they were confident that the charges were likely to be upheld. Three units—the Special Weapons and Tactic Team, Industrial and Personal Security Unit, and Riot Police—all under the Special Operations and Security Department of the MPS, replaced the Star Force, formerly an elite unit of the MPS.

The PIC, established in 2006 to investigate allegations of police corruption and impunity, is the primary mechanism available to investigate security force abuses. According to the PIC, there was a culture of disrespect for the laws and of police abuse.

By August 22, the PIC received 101 complaints, of which 46 were concluded and two sent to the Prosecutor General's Office. According to the PIC, approximately 98 percent of its recommendations made to the home ministry over the last two years had not been implemented.

Arrest Procedures and Treatment While in Detention.—The law states an arrest cannot be made unless the arresting officer observed the offense, had reasonable evidence, or had an arrest warrant issued by a court. The constitution provides for an arrestee to be informed of the reason for arrest within 24 hours and provides for the right to retain a lawyer. The law also requires that an arrestee be informed of the right to a lawyer at the time of arrest. Prisoners have the right to a ruling on bail within 36 hours; however, bail procedures were not implemented consistently. Under the 2008 constitution, a lawyer may be appointed by the court in serious criminal cases if the accused cannot afford one. According to the attorney general, police normally informed the arrestee's family of the arrest within 24 hours, although the law does not require that police inform the family of the grounds for the arrest. Authorities generally permitted detainees to have counsel present during police questioning.

The law provides for investigative detention. Once a person is detained, the arresting officer must present evidence to a court within 24 hours to justify continued detention. Based on the evidence presented, the prosecutor general has the authority to determine whether charges will be made. If law enforcement authorities are unable to present sufficient evidence within 24 hours, the prisoner is eligible for release. Judges have the authority to extend detention upon receiving an arresting officer's petition, citing factors such as the detainee's previous criminal record, the status of the investigation, the type of offense in question, and whether the detainee would pose a threat if released.

The PIC reported receiving complaints of police misusing a gray area in the constitution on the rights of detainees between capture and formal arrest. Sources reported that police held suspects under the investigative detention provision without formal arrest for a few hours to a few days. Such a procedure allegedly was used to remove groups from the streets and control gang activities. There is no formal record of investigative detentions as there would be with an arrest.

The HRCM operated a complaints department to address prisoner complaints and publish its findings online. By August, 390 complaints were lodged; 78 complaints were on rights of arrestees and detainees, and 16 were for degrading treatment or torture while in detention. The investigation department at the HRCM investigated and forwarded these cases to the legal and policy department for an opinion, after which the commission members issued decisions.

On July 26, the president announced a Second Chance Program to release close to 400 convicts through a mentorship program. People charged with pedophilia, drug offenses, and gang violence were not eligible for the program. In August, 47 inmates were released after completing a series of mentor trainings, life-skills programs, and religious classes. The inmates had their sentences suspended for three years under a presidential prerogative, but the mandated police support and monitoring was inadequate.

e. Denial of Fair Public Trial.—While the law provides for an independent judiciary, there were numerous allegations of bribery and abuse of power within the judiciary. Government loyalists and opposition members alike accused the judiciary of being politically biased. A number of judges were known to base their rulings on cash rewards, and there were reports that lawyers occasionally built the cost of bribes into their fees. Consequently, the public had a general distrust of the judiciary.

In August 2010 the constitutional transitional period for the interim Supreme Court ended, and the government made final appointments to the Supreme Court. The seven-member court is independent from the executive. It hears appeals from the High Court and considers constitutional matters brought directly before it. In August 2010 the Judicial Service Commission (JSC) reappointed—and confirmed for life—191 of the 200 existing judges. Many of these judges held only a certificate in sharia, not a law degree. Most magistrate judges could not interpret common law or sharia because they lacked English or Arabic language skills. An estimated quarter of the judges who were confirmed for life had criminal records, and two of the judges had been previously convicted of sexual assault charges. The media and NGO community criticized the JSC for the appointment of unqualified judges, stating the move seriously compromised the integrity and effectiveness of the justice system.

Trial Procedures.—The law provides that an accused person is presumed innocent until proven guilty. There were no jury trials. Most trials were public and were conducted by judges and magistrates, some of whom were trained in Islamic, civil, or criminal law. Regulations rather than laws govern trial procedures. Judges question the concerned parties and attempt to establish the facts of a case. Accused persons have the right to defend themselves. During a trial the accused may call witnesses and has the right to be represented by a lawyer. The judiciary generally enforced these rights.

Both defendants and their attorneys have full access to all evidence relating to their case, have opportunities to cross-examine any witnesses presented by state, and can present their own witnesses and evidence.

Civil law is subordinate to sharia, which is applied in situations not covered by civil law, as well as in family matters such as divorce and adultery. Courts adjudicating matrimonial and criminal cases generally do not allow legal counsel in court because, according to local interpretation of sharia, all answers and submissions should come directly from the parties involved. The High Court, however, allows legal counsel in all cases, including those in which the right to counsel was denied in a lower court. Those convicted have the right to appeal. The testimony of women is equal to that of men for finance and contract matters.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees. Local NGOs confirmed that no one had been arrested solely for his or her political beliefs. As for previous political prisoners, NGO observers claimed that they had been released after the charges against them were withdrawn or found to be without merit.

Civil Judicial Procedures and Remedies.—A civil court addressed noncriminal cases.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits security officials from opening or reading wireless messages, letters, telegrams, or monitoring telephone conversations, "except as expressly provided by law." In practice the government generally respected privacy rights. Security forces may open the mail of private citizens and monitor telephone conversations if authorized to do so by a court during a criminal investigation. There were reports of illegal recording of phone conversations allegedly by the MNDF.

The constitution provides that residential premises and dwellings should be inviolable and can be entered without consent of the resident only under exigent circumstances or under the authorization of a court.

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, except on religious matters, and the government generally respected these rights in practice. An independent

press, the judiciary, and a new democratic political system combined to ensure freedom of speech and press except for any discussion of religious issues. The law limits a citizen's right to freedom of expression in order to protect the "basic tenets of Islam" and prohibits inciting citizens against the government.

Freedom of the Press.—Criticism of the government and debates on difficult societal issues were commonplace if they did not raise any question of Islamic values. There were a few incidents of journalists who were covering political events being threatened or attacked by both government and opposition supporters. On May 1, police detained two journalists from Haveeru Daily newspaper and a Sun journalist who were covering a protest against rising commodity prices in the country. The journalists were released within 24 hours, but they claimed that police used force and pepper spray even though they were wearing their press tags.

There were reports throughout the year of police questioning journalists about the source and authenticity of newspaper articles and broadcasts. According to the Maldives Journalists' Association (MJA), a number of journalists from Haveeru, SunFM, and DhiFM repeatedly were summoned by the police for questioning. In February two journalists from Haveeru Daily were summoned for questioning after they published a newspaper article about a pornographic video racket that involved well-known public figures.

On July 7, the MJA released a press statement calling on police to stop summoning journalists for questioning about their sources of information. Article 28 of the constitution stipulates that no person shall be compelled to disclose the source of information that is espoused, disseminated, or published by that person. The MJA noted that if a journalist violated the code of conduct, the Maldives Medial Council and the Maldives Broadcasting Commission were responsible, as per the constitution, for investigating the matter and holding the journalist accountable.

On August 25, the Criminal Court barred journalists from a hearing in the corruption case on the deputy speaker of parliament. The Criminal Court media officer told reporters that the judge decided to hold a closed hearing on the grounds that the media were contributing to the public's negative perception of the courts.

Censorship or Content Restrictions.—NGO sources stated that in general the media practiced self-censorship on issues related to Islam due to fears of being labeled "anti-Islamic" and subsequently harassed.

There were no legal prohibitions on the import of foreign publications except for those containing pornography or material otherwise deemed objectionable to Islamic values, such as Bibles and idols for worship.

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.

The Ministry of Islamic Affairs continued to block Web sites considered anti-Islamic or pornographic. In November the Telecommunications Authority blocked and banned a Maldivian-based blog, Hilath.com, at the request of the Islamic Ministry because of its anti-Islamic content. The blog was known for promoting religious tolerance, as well as discussing the blogger's homosexuality.

Academic Freedom and Cultural Events.—The law prohibits public statements contrary to government policy or the government's interpretation of Islam. In response to the law, there were credible reports that academics practiced self-censorship. The government censored course content and curriculum. Islam is the only religion taught in the schools.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for "freedom of peaceful assembly without prior permission of the State," and the government generally respected this in practice.

There were allegations by reporters that the MNDF and police at times used force to disperse protesters.

During a series of protests in May, reporters and opposition members claimed that police used force to disperse the crowd. Protests turned violent several nights with protesters vandalizing shops, damaging police stations, and throwing petrol bombs. Several protesters and police officers were injured. According to the police, gang leaders were actively involved in the protests. The HRCM issued a press release advising people not to misuse the right to protest and or obstruct the media. The commission also called on the police not to use methods that may harm protesters and civilians when dispersing crowds. The MNDF presence was minimal throughout the protest period.

Freedom of Association.—The constitution provides for freedom of association, but the government imposed some limits on this freedom in practice. The government

registered clubs and other private associations only if they did not contravene Islamic or civil law.

c. Freedom of Religion.—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. Employers often housed foreign workers at their worksites.

The law allows for banishment to a remote atoll as a punishment, but the provision was seldom practiced. In August, however, the Criminal Court found independent Member of Parliament Ismail Abdul Hameed guilty of corruption and sentenced him to 18 months' banishment.

Internally Displaced Persons (IDPs).—During his July visit, the U.N. special rapporteur on the human rights of internally displaced persons found that 1,600 IDPs remained from the 2004 tsunami and continued to live in very difficult conditions in temporary shelters. The special rapporteur stressed that legislation and policy should address internal displacement, including that resulting from climate change, coastal erosion, salination, rising sea levels, and more frequent storms and flooding.

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.

Nonrefoulement.—The government states it would 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. There is no set policy or law for handling refugee matters.

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.—In relatively free and fair elections in October 2008, Mohamed Nasheed, a former political prisoner, became the country's first directly elected president. In May 2009 the country held its first multiparty parliamentary elections. Although there were sporadic confrontations and reports of electoral irregularities, including allegations of bribery and intimidation, election observer groups, such as Transparency Maldives and the Commonwealth, reported the elections to be generally free and fair. There were no credible reports of malfeasance in the February local elections.

Participation of Women and Minorities.—There were five women in the 77-member parliament. While 213 women competed in the local council elections, only 57 of the 1,086 councilors elected were women. There were three women in the 10-person cabinet. Parliament approved a woman as commissioner of the Human Rights Commission, but the female nominee for vice commissioner was not approved by parliament because parliamentarians expressed concern about having two women leading the commission. A report published during the year by the HRCM concluded that the representation of women in public life was minimal because of lack of family support, limited experience in the political arena, inadequate access to funding, and advocacy by radicals against women's participation in political and public life.

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 regularly engaged in corrupt practices with impunity. An independent Anti-Corruption Commission (ACC) was responsible for investigating corruption charges involving senior government officials. According to the ACC, a limited definition of corruption in the 2000 Corruption Act and the lack of a provision to investigate and prosecute illicit enrichment limited the commission's work. The ACC reported that although the government did not attempt to influence the commission's work, it released statements that conflicted with the ACC's rulings on certain cases and failed to move any corruption cases identified by the ACC to court. Out of more than 1,600 corruption cases reported to the ACC since 2009, the commission had been able to investigate only 223 cases due to a lack of capacity. The ACC forwarded 16 cases to the Prosecutor General's Office, but none of these cases were filed in court at year's end. An April Transparency International public survey of 1,001 Maldivians found 90 percent of

those surveyed believed that "corruption has increased" or remained level over the last three years, and more than half of the respondents categorized parliament and political parties as "extremely corrupt."

NGOs noted that companies belonging to ruling party members or parliamentarians won a disproportionate number of bids, despite clear evidence that some of these companies lacked the means to complete the projects. There were allegations that deaths caused by a dengue outbreak during the year could have been prevented if the government had appointed health-care professionals, instead of activists from the ruling party with no medical background, to manage health-care facilities. Judges were notorious for taking bribes. Parliamentary members were accused of illicit enrichment, with opposition members changing parties and subsequently acquiring lucrative business contracts, new cars, and houses. Vote buying in parliament reportedly hindered substantive discourse on key legal and public welfare legislation.

Local anticorruption NGO Transparency Maldives reported corruption across the judiciary, parliament, and members of the executive. Several high-profile parliamentarians, including the deputy speaker of parliament, had corruption cases pending in court. During the year one member of parliament was convicted of corruption and sentenced to 18 months' banishment. The ACC was also investigating cases of bribery and corruption involving other parliamentarians.

No laws provide for access to government information.

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

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

Government Human Rights Bodies.—The HRCM was fully functional, with Mariyam Azra as its commissioner. The HRCM reported that although there was no state interference in its work, the level of cooperation from parliament and government offices was low. Parliament was slow to pass pending pieces of key human rights legislation. The judiciary had a low level of understanding and acceptance of human rights and hence made it difficult for the commission to obtain important information from the courts. The HRCM also noted the public's low level of understanding of its mandate. For example, some people interpreted the HRCM's mandate to defend human rights to mean resolving disputes between neighbors.

In 2009 the HRCM established an NGO Network to support and assist human rights NGOs and to secure the cooperation of NGOs. At year's end there were 48 NGOs in this network.

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

The law provides for the equality of all citizens, but there is no specific provision to prohibit discrimination based on race, gender, religion, disability, or social status. Women traditionally were disadvantaged, particularly in the application of sharia in matters such as divorce, education, inheritance, and testimony in legal proceedings.

In an August 12 report, the U.N. Committee on the Elimination of Racial Discrimination stated that it was concerned "about the requirement that all citizens be Muslim, which restricted access to citizenship and public office.and fundamental rights and freedoms."

Women.—In 2008 the government changed the Ministry of Gender and Family to the Ministry of Health and Family to pursue a policy of gender mainstreaming to provide for gender equality. The empowerment of women was presented as a key aspect of all government policy initiatives, activities, and planning.

Rape and Domestic Violence.—Rape is not classified as a separate offense in the penal code and cannot be prosecuted under any act. Other provisions of the law are used to criminalize rape. The Prosecutor General's Office uses sexual assault or forced sexual misconduct charges depending on the gravity of the offence. A man can be convicted of rape in the absence of a confession only if there are two male witnesses or four female witnesses willing to testify.

Media reports of violence against women and rape were common. Most rape cases reported in the media during the year were gang rapes and involved minors, expatriate workers, or drug users. In one case three men raped an expatriate nurse who was working on an outer island. Another case involved a 19-year-old male who sexually assaulted a 74-year-old woman in Addu Atoll. During the year the police received reports of 13 cases of rape and sent five cases for prosecution. The NGOs believed that most cases remained unreported due to fear of reprisals, losing custody

of children, lack of economic independence, insensitivity of police when dealing with victims, absence of regulation in media concerning victim privacy, dealing with the stigma attached to being a victim, and low conviction rates. According to the HRCM, the delay in passing evidence and witness protection bills and the failure to enforce laws contributed to low conviction rates in rape and sexual assault cases.

Under the law spousal rape is not a crime.

Sexual Harassment.—A 2006 Ministry of Gender and Family study on women's health and life experiences noted that one in three women between the ages of 15 and 49 reported some form of physical or sexual violence at least once in their lives. One in five women between the ages of 15 and 49 reported physical or sexual violence by a partner, and one in nine reported experiencing severe violence. One in six women in Male and one in eight countrywide reported experiencing childhood sexual abuse under the age of 15. Of those women between the ages of 15 and 49 who had ever been pregnant, 6 percent reported having been physically or sexually abused during pregnancy. Many respondents perceived women to be subordinate to men, and the majority of women indicated that women's subordinate position within marital relationships was the norm and desirable. Seventy percent of women surveyed believed that under certain circumstances, a man was justified in beating his wife and the most commonly accepted justifications for this were infidelity and disobeying a partner.

There are Family and Children's Centers (FCSC) on every atoll in the country. They are intended to help streamline the process of reporting abuse against women and children. The centers had a shortage of trained staff and faced legal challenges, such as collecting evidence about abuse cases.

Reproductive Rights.—Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of children, and to have the information and means to do so free from discrimination, coercion, and violence. Access to information on contraception and skilled attendance at delivery and in postpartum care was widely available. According to the 2009 demographic and health survey conducted by the Ministry of Health and Family, 99 percent of women received prenatal care from a skilled provider. According to the survey, 95 percent of births in the five years preceding the survey were assisted by a skilled health worker. Only 6 percent of women did not receive any postnatal care. Women who live in Male had the highest rate of care (96 percent) from a gynecologist, doctor, nurse, or midwife, versus 90 percent in rural areas. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections.

Discrimination.—Although women traditionally play a subordinate role in society, they participated in public life. Women constituted approximately 40 percent of government employees. The literacy rate for women was approximately 98 percent.

Under Islamic practice husbands may divorce their wives more easily than vice versa, absent mutual agreement to divorce. Sharia also governs estate inheritance, granting male heirs twice the share of female heirs. According to the Prosecutor General's Office, unless the men in the family demand a larger share, property is divided equally among siblings.

The World Economic Forum's 2010 Global Gender Gap Report indicated that women who worked for wages received approximately 65 percent of what men in the same positions received. According to an HRCM report published in 2009, despite provisions in the constitution and the 2008 Employment Act, there were no policies in place that provided equal opportunities for women's employment. The absence of childcare facilities made it difficult for women to remain employed after they had children; it was socially unacceptable for women to stay on resort islands for extended periods, which discouraged women from working at tourist resorts. The HRCM also received reports that some employers discouraged women from marriage or pregnancy, as it could result in termination or demotion. A 2011 HRCM report noted that the state had fallen short of providing adequate measures to overturn women's subordinate role by failing to establish childcare centers and child-friendly working environments and failing to implement affirmative action.

Children.—Birth Registration.—Citizenship is derived through one's parents. A child born of a citizen father or mother, regardless of the child's place of birth, can derive citizenship.

Education.—Education is not compulsory, but there was universal access to free primary education. In many instances parents curtailed education for girls after the seventh grade by not allowing them to leave their home island to attend secondary school on another island. However, in 2010 the Ministry of Education established a secondary school on every inhabited island except for five islands that have fewer than 70 students. For these students there is a daily ferry service to a secondary school in a nearby island and a "schooling away from home" allowance for those in

need. These new schools improved girls' access to schooling beyond primary education.

Child Abuse.—The law sought to protect children from physical and psychological abuse, including at the hands of teachers or parents. The Ministry of Health and Family has the authority to enforce the law and receives strong popular support. The ministry reported child abuse, including sexual abuse. The Child Sex Abuse Act codifies child sex offenses and stipulates sentences of up to 25 years in prison for those convicted. However, under Article 14 of the act, if a person is legally married to a minor under sharia, none of the offenses specified in the legislation would be considered a crime. There were reports that although the courts had the power to detain perpetrators, most were released pending sentencing and were allowed to return to the communities of their victims.

In 2009 the FCSC stated that the biggest challenge it faced in efforts to protect children's rights was the release of pedophiles into the communities of their victims. By the end of the year, the police received 344 cases of child abuse, of which 79 percent were sexual abuse cases. In addition the Department of Gender and Family Protection Services (DGFPS) received 1,138 cases of child abuse from Male and the atolls. A quarter of the cases were for sexual abuse, 17 percent of the cases were of parental neglect, and 10 percent of the cases related to physical abuse. The DGFPS also received one case of prostitution of a child under 16. According to the DGFPS, it did not have the resources to remove children from abusive environments, and there was minimal support from the island community when trying to place abused children in safer environments. There are no laws or regulations dealing with cases of neglect.

The DGFPS stated that reports of sexual abuse were increasing, and underage marriage and pregnancy were major concerns. During the year four cases of underage pregnancy were reported to the DGFPS. The increase in the cases of sexual abuse reported appeared to be due to increased public awareness. However, the DGFPS noted that people hesitated to report abuse if it was happening within the family.

Child Marriage.—The law allows girls and boys under the legal age of 18 to marry if they have reached puberty and have parental consent, and if the court finds no substantial reason to object to the union. In 2010 almost 50 underage marriages were registered at the court. The marriage registrar reported that most underage girls applying to marry are between the ages of 15 and 17 and do so to escape poor living conditions.

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 no known Jewish citizens or residents. In December the Ministry of Islamic Affairs requested that parliament endorse a resolution forbidding the government to allow the Israeli flag carrier El Al to begin operations to Maldives, citing concerns the flights posed a threat to national security and noting that fostering relations with Jews was discouraged in Islam. Anti-Semitic statements occasionally were found in political pamphlets.

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

Persons With Disabilities.—The constitution provides for the rights and freedom from discrimination of persons with disabilities, and a Special Needs Act was put in place in July 2010. The purpose of the act is to protect the rights of persons with disabilities and to provide financial assistance. Additionally, the president created the Council to Protect the Rights of People with Disabilities. As mandated in the act, anyone with disabilities is entitled to Rf 2,000 ($156) every month. The Ministry of Health and Family maintains a list of persons with disabilities. By December the ministry had received 5,336 applications, of which 3,865 were deemed eligible, and 3,566 were receiving the allowance.

Government programs provided services for persons with disabilities, including special educational programs for persons with sensory disabilities. Inadequate facilities made it difficult for persons with disabilities to participate in the workforce.

There were multiple NGOs working to increase awareness and improve support for persons with disabilities, including Hand in Hand, the Association of Disability and Development, Handicap International, and the Care Society.

In April 2010 the HRCM, in conjunction with the UNDP, released a report on the rights of persons with disabilities. The report found that most schools took children

only with very limited to moderate disabilities and not those with more severe disabilities. There was virtually no access to or transition to secondary-level education for children with disabilities. Additionally there was no mental health care available in Male; there were only two psychiatrists working in the country, who dealt mostly with drug rehabilitation. There also was a lack of quality residential care. There were more than 31 persons with disabilities waiting for a place at the Home for People with Special Needs as of March.

The government established disability awareness and empowerment campaigns on some of the more populous islands. The government integrated students with physical disabilities into mainstream educational programs. Families usually cared for persons with disabilities. When family care was unavailable, persons with disabilities lived in the Ministry of Health and Family's Institute for Needy People, which also assisted elderly persons. When requested the government provided free medication for all persons with mental disabilities on the islands, but follow-up care was infrequent. The government also provided assistive devices, such as wheelchairs, crutches, spectacles, hearing aids, and special seats for children with cerebral palsy.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law prohibits homosexual conduct, and it was considered socially unacceptable. The punishment for men includes banishment for nine months to one year or 10 to 30 lashes. For women the punishment is house arrest for nine months to one year. There were no organizations concerned with lesbian, gay, bisexual, or transgender (LGBT) issues in the country. There were no reports of officials complicit in abuses against the LGBT community. Due to societal intolerance of homosexual conduct, there are few openly homosexual individuals in the country. Thus there was no information on official or societal discrimination based on sexual orientation in employment, housing, access to education, or health care.

Other Societal Violence or Discrimination.—According to a 2009 Demographic and Health survey, most women surveyed were willing to care for a relative with AIDS at home (86 percent), buy fresh vegetables from a shopkeeper with AIDS (79 percent), allow a female teacher with AIDS to continue teaching (61 percent), or allow a male teacher with AIDS to continue teaching (59 percent). Three of four women said that they would be open about having an HIV-positive family member. Only 37 percent of women expressed accepting attitudes on all four indicators

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The 2008 constitution recognizes the right to freedom of association and states that all rights and freedoms in the statute apply to "everyone" in the country, including migrant workers. The 2008 Employment Act does not address the formation of trade unions, and the law does not specify protection against antiunion discrimination. The police and armed forces are entirely exempt from the Employment Act. Certain provisions in the act, such as overtime and public holiday pay, do not apply to emergency workers, air and sea crews, executive staff of any company, and workers who are on call. In August the government published a strike regulation under the Employment Act. The regulation requires employees to negotiate with the employer first, and if this is unsuccessful, then the employees must file advance notice prior to a strike. The employees in the following services are prohibited from striking: hospitals and health centers, electricity companies, water providers, telecommunications providers, police and the army, prison guards, and air traffic controllers.

Some workers' organizations were established under the Associations Act, specifically in the tourism, education, health, and shipping (sea farers) sectors, although these function more as associations and have limited roles as labor advocates. The Teachers Association of the Maldives and the Tourism Employees Association of the Maldives (TEAM) are the lead associations taking on typical union roles. In practice only since 2008 did informal collective bargaining involving employee associations, primarily in the tourism sector, exist.

During the year TEAM helped a number of workers file cases with the Employment Tribunal. Some cases were adjudicated in favor of the workers, although the decisions had not been enforced by year's end. According to a 2011 report by the HRCM, TEAM's involvement in strikes in the tourism sector resulted in workers being fired and blacklisted in the sector. TEAM reported that some victims of blacklisting found it difficult to obtain employment in the tourism industry.

Workers exercised their right to stop work and strike frequently during the year, particularly in the construction and tourism sectors. TEAM organized work stoppages to protest against wage discrimination against locals who were paid low salaries, unfair working conditions, and long working hours. Police sometimes employed force to suppress strikes. In March staff at the Conrad Hotel held a strike over service charges, and the police ended the strike. According to labor sources, the new

strike regulation passed in August makes it nearly impossible for employees to strike.

The Employment Tribunal was established in 2009 to examine and adjudicate legal matters arising between employers and employees and other employment issues. In 2010 parliament passed an Employment Tribunal Regulation, which details procedures for revising and adjudicating employment matters under the Employment Tribunal Act. The Employment Tribunal process is cumbersome and complicated. The cases are heard in the Dhivehi language, which few expatriate workers understand. There were reports that when expatriate workers filed cases, their work visas were cancelled. Most of the 111 claims filed during the year with the Employment Tribunal dealt with unfair dismissal. Thirty-one complaints were for wage claims, and the rest were claims for breach of employment or training contracts, discrimination, and resigning without notice.

TEAM claimed that resort workers were systematically denied recognition by employers, employers refused to negotiate collectively, and employers threatened workers.

b. Prohibition of Forced or Compulsory Labor.—Although the constitution prohibits forced or compulsory labor, there were reports that forced labor occurred. Under the law foreign workers arriving in the country must have a work permit issued by the Immigration Department. This is obtained through an employer or agent, who must first request a foreign worker quota stating the number of employees needed from the Ministry of Human Resources, Youth, and Sports. These quotas were easy to obtain, and there was little enforcement.

The expatriate worker population was estimated at more than 100,000, which is 25 percent of the population. The Maldives Immigration Controller estimated there were an additional 44,000 illegal foreign workers, mostly from Bangladesh and other South Asian countries. These workers were predominantly employed in the construction and tourism sectors, where some experienced forced labor and even debt bondage. Most victims of forced labor reportedly were coerced to work through one or more of the following practices: holding of passports by employers, fraudulent offers of employment, not being paid the promised salary, and not being paid at all. The HRCM also reported that some domestic workers, especially migrant female domestic workers, were in some cases trapped in forced domestic servitude, in which employers used threats, intimidation, and in some cases sexual violence to prevent them from leaving.

The government started a program in 2010 to register illegal Bangladeshi workers and regularize their employment. As of May, 17,000 such workers were registered. In May Maldives and Bangladesh signed a memorandum of understanding on placement of Bangladeshi workers in the country. The Human Resources Ministry and the Maldives Police Service conducted operations in 2010 to find and deport illegal workers in the atolls.

The Ministry of Human Resources blacklists companies who violated the provisions of the Employment Act, precluding violators from bringing in new workers until violations were rectified. At year's end there were 337 companies who had not resolved their violations and were blacklisted. The law allows for a fine of not more than Rf 5,000 ($390) for forced labor and other violations of the Employment Act. The government took steps to improve working conditions of migrant workers by trying to raise awareness on this issue. On December 7, the Human Rights Commission organized a Human Rights Day fair.

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 Employment Act sets age 16 as the minimum age for employment, with an exception for children who voluntarily participate in family businesses. The Employment Act also prohibits employment of children in "any work that may have a detrimental effect on health, education, safety, or conduct." Child labor, however, was a problem in the fishing sector, small commercial activities, and family enterprises. There were also reports that adolescent children who were sent from islands with inadequate education facilities to Male or other areas for educational purposes sometimes worked as domestics in exchange for food and lodging. There were reports some of these children did not go to school and were sexually abused by members of the host families. According to government officials, this practice was declining as access to secondary education improved in remote parts of the country.

The Ministry of Health and Family; Ministry of Human Resources, Youth, and Sports; and Family and Child Protection Unit of Maldives Police Service received complaints of child labor, conducted inquiries, and initiated legal action. According to the Labor Relations Authority, none of the more than 1,000 claim/complaint

forms that it received during the year related to child labor or employment of minors. Additionally no cases of child labor were found during its regular labor inspections during the year, nor were any cases of child labor reported to the DGFPS.

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 2008 Employment Act establishes maximum hours of work, overtime, annual and sick leave, maternity leave, and guidelines for work-place safety. Under the Employment Act, workers have the right to refuse work that is dangerous. It was unclear whether workers exercised this right in practice. The Employment Act mandates the implementation of a safe work place; procurement of secure tools and machinery; ensuring the continued safety of the equipment, provision of protective equipment to eliminate health hazards, and training of employees in the use of protective gear; and the provision of appropriate medical care. All employers are obliged to provide health insurance for foreign workers. Regulatory requirements in certain industries, such as construction and transport, require employers to provide a safe working environment and ensure the observance of safety measures. According to a 2009 HRCM report, there were no national standards for safety measures, and as a result such measures were at the discretion of employers. Some employers that produce for export adopted health and safety standards. Employers in other sectors, most notably the tourism and construction industries, reportedly had not taken similar measures. The Employment Act grants workers the right to compensation if fired without cause. The act specifically bans discrimination based on race or color, but it notes that "any preference given to Maldivians by an employer in granting employment shall not be deemed discrimination."

The Labor Relations Authority (LRA) and Employment Tribunal are charged with implementing the Employment Law. The LRA had 18 inspectors and investigators to conduct workplace inspections. It conducted investigations and provided dispute resolution mechanisms to address complaints from workers. During the year authorities completed an estimated 197 inspections. The most common problems were expatriates doing work other than that allowed in their work permits, illegal expatriate workers, and unpaid wages. Although the LRA can issue fines, typically it gave employers between one to three months to correct the problems. In several cases, after three months the employers continued to employ illegal expatriate workers, and the LRA had trouble enforcing its authority.

The Employment Act provides a mechanism to establish a minimum wage in the private sector. The minimum wage in the government sector was approximately Rf 3,100 ($242) per month. There is no single, nationally accepted poverty line in the Maldives, but a 2007 Asia Development Bank Study defined a "low" poverty line of Rf 300 ($23.40) per person per month and a high poverty line of Rf 450 ($35.10) per person per month. Because of the tight labor market, private sector employers generally offered competitive pay and conditions to attract skilled workers. The government approved a new pension plan covering local employees in private companies, which require contributions from both the employer and the employee. In August the Maldives Pension Administration Office reported that all tourist resorts had joined the pension fund.

The Employment Act provides for a 48-hour per week limit on work with a compulsory 24-hour break if employees work six days consecutively. Overtime is possible.

Wages in the private sector were commonly set by contract between employers and employees and were based on rates for similar work in the public sector.

The LRA investigated an estimated 1,000 labor-related complaints from January to June, most from the construction industry. The majority of complaints were about nonpayment of wages and employers not providing food and accommodation. A quarter of the complaints related to work-permit issues, such as employers wanting to cancel work permits of workers who had run away and employees wanting to change sponsors. The LRA resolved approximately 53 percent of the cases, and 45 percent of cases were in progress; 2 percent of cases remained pending because the LRA was unable to contact the employer or the employee.

Migrant workers were particularly vulnerable to exploitation and, upon arrival in the country, often found unacceptable work conditions and were forced to accept work at whatever wage was offered for debt repayment to the employment agency. The HRCM found many instances of nonpayment of wages to migrant workers and inadequate housing. Bangladesh migrant workers were exposed to dangerous working conditions, especially in the construction industry, and suffered from the effects of working in hazardous environments without proper ventilation.

The status of migrant workers employed in the categories of senior management, professionals, and skilled workers was generally better.

NEPAL

EXECUTIVE SUMMARY

Nepal is a federal democratic republic. The political system is based on the Interim Constitution of Nepal 2063 (2007), with a prime minister as the chief executive and a 601-member Constituent Assembly, which is responsible for drafting a new constitution. The Constituent Assembly extended the deadline for the completion of a new constitution several times, most recently to May 27, 2012. Baburam Bhattarai of the Unified Communist Party of Nepal-Maoist was elected prime minister by parliament on August 28; he is the fourth prime minister since the 2008 Constituent Assembly election. Domestic and international observers generally characterized the 2008 election results as credible, although there were reports of political violence, intimidation, and voting irregularities. Security forces reported to civilian authorities, but there were frequent instances in which elements of the security forces acted independently of civilian control.

The most significant human rights problems were abuses committed by the security forces (including members of the Nepal Army, Nepal Police, and Armed Police Force), which were responsible for extrajudicial killings, torture, and arbitrary arrest and detention; the government's failure to effectively enforce the law, which undermined the freedoms of speech and press; and continuing violence and lawbreaking by illegal armed groups.

Other human rights problems included extremely poor prison conditions, with conditions at detention centers even worse. Officials sometimes used antiterrorism legislation to justify excessive use of force. Corruption existed at all levels of government and the police, and the courts remained vulnerable to political pressure, bribery, and intimidation. The government sometimes restricted freedom of assembly. The government limited freedoms for refugees, particularly for the Tibetan community. Discrimination against women was a problem, and citizenship laws that discriminate based on gender contributed to statelessness. Domestic violence against women remained a serious problem, and dowry-related deaths occurred. Violence against children was widespread, although rarely prosecuted, and commercial sexual exploitation of children remained a serious problem. Discrimination against persons with disabilities, some ethnic groups, and persons with HIV/AIDS was a problem. Violence associated with caste-based discrimination occurred. There were some restrictions on worker rights, and forced and bonded labor and child labor remained significant problems.

Impunity for human rights violators continued to be a serious problem. The government took limited steps to prosecute or punish officials who committed abuses, whether in the security forces or elsewhere in the government. Investigations into individual abuses and legal punishment for perpetrators sometimes occurred, but for many abuses, including serious abuses that occurred during the armed insurgency, a lack of accountability created an atmosphere of impunity. Authorities failed to implement court-ordered arrests of military personnel, Maoists, and other politically connected individuals accused or convicted of human rights violations.

Numerous armed groups, largely in the Tarai region, attacked civilians, government officials, members of particular ethnic groups, each other, and Maoist militias. Some members of the Maoist-affiliated Young Communist League (YCL) were responsible for extortion and intimidation, although the number of incidents declined during the year. Members of other small, ethnically based armed groups were responsible for killings, abductions, extortion, and intimidation. Armed groups were responsible for numerous disappearances (mainly in the Tarai region). Armed groups, criminals, and political parties used threats of violence to intimidate journalists throughout the country.

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

a. Arbitrary or Unlawful Deprivation of Life.—There were numerous reports that the government or its agents committed arbitrary or unlawful killings. The Informal Sector Service Center (INSEC), a local human rights organization, reported that police killed at least eight persons, and soldiers killed one. On January 13, police arrested and beat Shambhu Paswan of Janakpur District to death at the Bhairahawa police station, on the border with India. While police officials claimed that Paswan died while undergoing treatment, the hospital to which he was sent declared Paswan dead upon arrival. Although the police administration promised to file a re-

port criminal complaint against two officers involved in the beating, no action had been taken against them by year's end.

In March 2010 members of the Nepal Army (NA) killed two Dalit ("untouchable" lower-caste) women, Devisara BK and Amrita BK, and a 12-year-old girl, Chandrakala BK, inside Bardiya National Park in Surkhet District. Although the NA alleged that the three were armed and involved in poaching and were killed during a firefight, a National Human Rights Commission (NHRC) investigation concluded that they were shot in the back from a distance. The NHRC recommended action against those involved in the incident, including 15 army personnel of the Jwala Dal Batallion led by Captain Subodh Kunwar. The NHRC also recommended compensation to the families of 300,000 rupees ($3,525) for each of those killed and free education for the children of the deceased women. Following an internal investigation in 2010, the army claimed that its personnel were performing their duty in good faith, and the military court took no action against those involved in the incident. The government provided 25,000 rupees ($295) to the next of kin to perform last rites for the deceased.

On May 31, the district court of Chitwan sentenced Gobinda Bahadur Batala, or "Jibit," to three years in jail for the 2008 murder of businessman Ram Hari Shrestha. Because Batala, a member of the Unified Communist Party of Nepal-Maoist, had been in judicial custody for three years, he was released without serving additional time. Batala was later taken into custody on the charge of kidnapping Shrestha. On June 21, the Supreme Court ordered police to release Batala, stating that he could not be tried separately on the charge of abduction because he had already served three years in the Chitwan jail on the charge of being an accomplice in the murder. At year's end, police were still seeking another suspect in the Shrestha case, Kali Bahadur Kham, a senior Maoist leader.

No one had been held responsible in the 2004 killing of 15-year-old Maina Sunuwar, one of the high-profile cases identified by human rights groups. The Kavre District Court reported that the NA had partially cooperated with the court's order to hand over documents related to the case, although the NA did not suspend or hand over one of the accused, Major Niranjan Basnet. An internal military investigation found Basnet innocent. According to statements given during the NA investigation, Basnet was present during Sunuwar's detention and interrogation, which included "water pouring" and "electric shock." On February 17, Devi Sunuwar, Maina's mother, sent an open letter addressed to the chief of army staff urging him to play a pioneering role in ending impunity by handing over those responsible for the killings, including Major Basnet. As of year's end, the chief of staff had taken no steps in response to the letter. The other three persons accused in the case, all retired from the army, remained at large.

There was continuing violence in the Tarai region. Some armed groups, many ethnically based, clashed with each other and with the local population. Police were unable to fully provide law and order, although the security situation in most parts of the Tarai improved during the year. Members of the Maoists, Maoist-affiliated groups, and other ethnically based splinter groups in the Tarai, committed acts of violence, extortion, and intimidation throughout the year.

According to INSEC, as of midyear armed groups operating in the Tarai region killed 11 persons and unidentified groups killed 89 others. On February 24, members of an armed group shot and killed Madhav Thapa, a civil servant working at the Bara District Land Revenues Office, while he was watching television at home. The Akhil Tarai Mukti Morcha, led by Jai Krishna Goit, claimed responsibility for the killing, alleging that Thapa was a corrupt official. Persons close to Thapa denied those allegations. As of year's end there were no further updates. INSEC reported two killings by the Maoist party and its YCL affiliate. According to INSEC, a total of 89 persons were killed and 59 abducted by unidentified groups in 2011, compared with 117 persons killed and 83 abducted in 2010.

b. Disappearance.—There were no reports that government forces were responsible for disappearances during the year.

The fate of most of those who disappeared during the 10-year Maoist insurgency (1996-2006) remained unknown. On August 30, the NHRC released a public report that stated there were 789 unresolved cases of disappearances, 619 of which were believed to involve the state. As of year's end, the government had not prosecuted any government officials for involvement in disappearances, nor had it released any information about the whereabouts of the 619 persons the NHRC identified as having disappeared with state involvement. The August NHRC report stated that Maoists were believed to be involved in 170 unresolved disappearances during the conflict. As of year's end, the government had not prosecuted any Maoists for involvement in disappearances.

In 2010 the International Committee of the Red Cross (ICRC) published a list of 1,369 names of missing persons on its Web site. At the end of this year, the list contained 1,383 names. In 2009 the ICRC and the Nepal Red Cross Society listed 1,348 missing persons; in 2008, 1,227; and in 2007, 812.

The government did not respond to the 2008 Office of the U.N. High Commissioner for Human Rights (OHCHR) report on the Bardiya District, where at least 170 persons disappeared between 2001 and 2004, nor did it respond to a 2006 OHCHR report on 49 persons who disappeared after being arrested and detained at the Maharajgunj barracks in Kathmandu in 2003 on suspicion of being linked to the Maoists. Human rights organizations repeatedly called on the government to investigate the human rights violations at the Maharajgunj barracks, including the responsibility of those within the chain of command. One of the senior military officers implicated in the incident, Major General Toran Bahadur Singh, retired from the army in June.

According to INSEC there were 144 abductions during the year. Most abductions were for ransom and occurred in the Tarai region, where armed groups operated with relative impunity.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the Interim Constitution of 2007 requires that torture be criminalized, the law does not have clear guidelines for punishing offenders, and no one was prosecuted for torture, including police who tortured and otherwise abused citizens. The Torture Compensation Act provides for compensation for victims of torture; the victim must file a complaint and pursue the case through the courts. Two cases were filed during the year in addition to 30 cases filed since 2009. Of these, the court withdrew three cases due to out-of-court settlements, dismissed six cases due to the victim's failure to appear before the court within the time permitted, found that there was not sufficient evidence to prove torture in two cases, and provided compensation in seven cases. The remaining cases were pending.

During the year Advocacy Forum (AF), a human rights nongovernmental organization (NGO), reported that, of the 4,187 detainees interviewed between January and December, 689 reported torture by state actors. The government generally failed to conduct thorough and independent investigations of reports of security force brutality and did not take significant disciplinary action against those involved. Some detainees were afraid to bring cases against the police due to fear of reprisal. The number of cases represented a slight increase compared with 2010.

Child Workers in Nepal Concerned Center, a leading local child rights NGO, recorded 69 cases of children under the age of 18, 66 of whom were boys, who were detained and suffered some kind of physical or mental abuse during interrogation. Children reported being hit by bamboo sticks, kicked or hit with fists, spit on, and having their hair pulled. Most of the children who were arrested involved cases of robbery. In 30 percent of cases, the age of the child detained was incorrectly recorded as 16 years and above, presumably to make them eligible for detention. Likewise, street children in Kathmandu were frequently arrested on suspicion of committing a crime when incidents were reported to police in areas where the children resided. They were frequently detained overnight, made to clean dirty toilets at the detention centers, and often mistreated by area residents when accused of committing a crime.

According to reports, on July 21, Nijamiddin Sekh (alias Bablu) was arrested by police in Nepalgunj, Banke District, and taken to a police station for questioning. According to Sekh, he was blindfolded, handcuffed, and subsequently pushed from a high place, later awakening in a hospital bed with a broken backbone. A doctor's examination revealed additional signs of mistreatment, including blue and red marks on his feet, scratches, and bruises on his lower lip and body. As of year's end, police had not charged Sekh with a crime, and the police officers involved in the arrest and torture had not been charged.

AF attributed 42 cases of torture to nonstate actors during the period between January and June, including 25 cases to Maoists, one to the Maoist-affiliated YCL, and one to the All Nepal National Free Students Union. The government failed to conduct thorough investigations of reports of nonstate actor brutality.

Campaigners against land mines stated that improvised explosive devices (IEDs) remained scattered and unmarked throughout the country. According to INSEC, land mines and IEDs laid by Maoists and the NA during the conflict caused 22 incidents and resulted in the death of 10 persons and injury to 23 during the year. UNICEF reported 16 casualties from IED explosions as of June 14, when Nepal was formally declared a minefield-free country. The army placed 12,070 land mines at 53 locations and planted 1,078 IEDs during the conflict.

The Maoists placed no land mines but used thousands of IEDs. The U.N. Mine Action Team reported that more than 52,000 Maoist IEDs were destroyed after Maoist combatants were cantoned in 2007.

Prison and Detention Center Conditions.—Prison conditions were extremely poor and did not meet international standards, while conditions at detention centers were worse. The government generally allowed visits by independent human rights observers.

According to the Department of Prison Management, as of July 15, 12,364 prisoners—10,699 men, 829 women, 79 dependent children of imprisoned parents, and 757 foreign nationals—remained in custody. Although there generally were separate facilities for men and women, in some overcrowded prisons, men and women were held in the same prison but in segregated cells. In October 2011 a reliable news report noted that the Kavre District jail held 131 inmates, while its capacity was estimated at 65. According to AF, sanitation provisions were inadequate and medical care was poor for prisoners with serious conditions. Prisoners generally had access to well water or filtered water, although some had access only to unfiltered and dirty water.

Due to a lack of adequate juvenile detention facilities, children occasionally were incarcerated with adults or were allowed to remain in jails with their incarcerated parents.

There is only one functional government-run juvenile reform home, Sano Thimi in Bhaktapur. According to the Department of Jail Management, pretrial juvenile detainees were sent there and were not kept with convicted prisoners. Adult pretrial detainees were kept with convicted prisoners due to inadequate pretrial detention space.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. There were also procedures for prisoners to submit complaints, although authorities were quicker to respond to allegations when NGOs or international organizations were aware of the complaints. There were no prison ombudsmen to handle prisoner complaints.

The government generally permitted the NHRC, ICRC, and OHCHR to make unannounced visits to prisons and detainees in army and police custody, although it was reported that access by international observers to prison detainees was restricted in the first half of the year. Although the NHRC is authorized to request government action, the government often denied NHRC requests. There were no alternatives to sentencing for nonviolent offenders.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, but security forces arbitrarily arrested persons during the year. Police routinely abused their 48-hour detention authority by holding persons unlawfully (i.e., without proper access to counsel, food, and medicine, or in adequate facilities), often at the behest of the chief district officer (CDO) or assistant CDO. It was not unusual for CDOs to direct police to arrest individuals for minor, petty infractions (e.g., unpaid taxes), and many of those orders (which were frequently verbal) were undocumented and appeared politically motivated.

Role of the Police and Security Apparatus.—The Nepal Police (NP) is responsible for enforcing law and order across the country, and the Armed Police Force (APF) provides back-up support. Police did not respond to most incidents of violence, particularly events involving Maoists and armed groups in the Tarai region. There were multiple incidents in which police detained persons for illegal acts, but political leaders sometimes pressured the NP to release detainees.

The NP, APF, and NA have human rights cells, although they tend to limit their activities to training and capacity building rather than investigating cases. Corruption and impunity remained serious problems. The NP were generally unarmed and have the role of preventing and investigating nonterrorist criminal behavior.

At the district level, the NP often operated without significant guidance from superiors, allowing considerable discretion in the enforcement of laws. There continued to be many reports of police abuse and bribery. The NP, APF, and NA have mechanisms for investigating abuses by security forces; however, the investigations are internal and not fully transparent. The National Human Rights Commission and security forces' internal offices provided human rights training and training to reform the security forces.

Arrest Procedures and Treatment While in Detention.—Arbitrary Arrest: The law stipulates that, except in cases involving suspected security and narcotics violations, authorities must obtain a warrant for arrest and arraign or release a suspect within 24 hours of arrest. There were instances in which detainees were kept in illegal detention for several days after their arrest.

If the court upholds a detention, the law authorizes police to hold the suspect for up to 25 days to complete an investigation, with a possible extension of seven days, although security personnel occasionally held prisoners for longer periods. In some cases the Supreme Court ordered the release of detainees held longer than 24 hours without a court appearance. Some foreigners, including refugees, reported difficulty obtaining bail. The interim constitution provides for access to a state-appointed lawyer or one of the detainee's choice, even if charges have not been filed. Few detainees could afford their own lawyer.

Detainees have the legal right to receive visits by family members. In practice family access to prisoners varied from prison to prison. There is a system of bail, but bonds were too expensive for most citizens.

Pretrial Detention.—Pretrial detention often exceeded the period to which persons subsequently were sentenced after a trial and conviction. Time served is credited to a prisoner's sentence.

Under the Public Security Act, security forces may detain persons who allegedly threaten domestic security and tranquility, amicable relations with other countries, or relations between citizens of different classes or religions. The government may detain persons in preventive detention for as long as 12 months without charging them with a crime, as long as the detention complies with the act's requirements. The court does not have any substantive legal role in preventive detentions under the act.

Other laws, including the Public Offenses Act, permit detention without charge for as long as 25 days. This act covers crimes such as disturbing the peace, vandalism, rioting, and fighting. Human rights monitors expressed concern that the act vests too much discretionary power in the CDO. Police frequently arrested citizens under the act and detained them for short periods without charge.

According to AF, in some cases detainees were brought before judicial authorities well after the legally mandated 24-hour limit, allegedly to allow injuries from police mistreatment to heal.

NGOs expressed concern about police use of private houses to hold detainees after arrest.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, but courts remained vulnerable to political pressure, bribery, and intimidation. Authorities did not consistently respect court orders. The Supreme Court has the right to review the constitutionality of legislation passed by the Constituent Assembly. Appellate and district courts showed independence and impartiality in many cases, although they remained susceptible to political pressures.

Trial Procedures.—Although the law provides for the right to counsel, equal protection under the law, protection from double jeopardy, protection from retroactive application of the law, and public trials, these rights were not applied equally except in a few security and customs cases. Defendants enjoy the presumption of innocence except in some cases, such as human trafficking and drug trafficking, where the burden of proof is on the defendant. Judges decide cases; there is no jury system. The law provides detainees the right to legal representation and a court-appointed lawyer, a government lawyer, or access to private attorneys. However, the government provided legal counsel only upon request. Persons who are unaware of their rights may be deprived of legal representation. Defense lawyers may cross-examine accusers. By law defense lawyers are entitled to have access to government-held evidence, but it was very difficult to obtain. All lower court decisions, including acquittals, are subject to appeal. The Supreme Court is the court of last resort.

Military courts adjudicate cases concerning military personnel under the military code, which provides military personnel the same basic rights as civilians. Military personnel are immune from prosecution in civilian courts, except in cases of homicide or rape involving a civilian. The NA asserted that military personnel are immune from prosecution in civilian courts for conflict-era violations, an interpretation of law not shared by the human rights community and inconsistent with Supreme Court decisions. Military courts cannot try civilians for crimes, even if the crimes involve the military services; civilian courts handle these cases.

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

Civil Judicial Procedures and Remedies.—Individuals or organizations could seek remedies for human rights violations in national courts. There is no regional court mechanism for human rights in South Asia. However, individuals can seek justice from international organizations such as the U.N. Human Rights Council (UNHRC) if all domestic legal options are exhausted. One such example was the case of torture survivor Yubraj Giri of Banke district. With legal assistance from AF, Giri submitted his case to the UNHRC in 2008. In a decision adopted on April 12, the

UNHRC held the government responsible for breaching treaty obligations under the International Covenant for Civil and Political Rights. The council requested the government to ensure thorough and diligent investigation into the torture and mistreatment suffered by Giri, punish those responsible, and provide the victim and his family with adequate compensation.

Property Restitution.—The Maoists and their affiliate organizations returned some previously seized property as the Comprehensive Peace Agreement requires but kept other illegally seized lands and properties. Organizations closely affiliated with Maoists also seized additional properties.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law allows police to conduct searches and seizures without a warrant if there is probable cause that a crime has been committed, in which case a search may be conducted as long as two or more persons of "good character" are present. If a police officer has reasonable cause to believe that a suspect may possess material evidence, the officer must submit a written request to another office to conduct a search, and there must be another official present who is at least at the rank of assistant subinspector.

Security personnel frequently conducted vehicle and body searches at roadblocks in many areas.

The law prohibits arbitrary interference with privacy, family, home, and correspondence, and the government generally respected these prohibitions in practice.

There were no reports of the government forcing civilians to resettle. Some persons who had resettled to escape Maoist extortion, recruitment, or retaliation could not return home.

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. However, in some cases the government failed to effectively enforce the law.

Freedom of Speech.—Generally citizens felt they could voice their opinions freely. However, the government limited freedom of expression for the Tibetan community. For example, 30 Regional Tibetan Youth Club members gathered at a community hall in the Boudhanath neighborhood of Kathmandu for a 24-hour hunger strike on April 18-19 to protest against the Kirti monastery crackdown in eastern Tibet. Police ordered individuals, including women, wearing "free Tibet" T-shirts to remove them (including taking off one in public) and put on shirts without political slogans, but they were permitted to continue the protest and hunger strike.

Freedom of the Press.—The independent media were active and expressed a wide variety of views without restriction. However, impunity for past attacks on members of the press may lead to self-censorship, according to the Federation for Nepali Journalists (FNJ), an organization that promotes journalists' rights. Radio remained the primary source of information for 90 percent of the population.

Violence and Harassment.—There were several instances of police interfering with the press covering political stories. For example, on June 19, the Home Ministry instructed security personnel to prevent journalists from entering Singha Durbar, the central administrative office of the government in Kathmandu, during a politically sensitive meeting. After intense pressure from the media, journalists were allowed to enter Singha Durbar late the following day.

On June 5, Nagarik reporter Khilanath Dhakal was attacked in Biratnagar after writing a story about Youth Action Nepal (YAN), the youth wing of the Communist Party of Nepal-Unified Marxist Leninist political party. YAN leaders allegedly masterminded the attack, which left Dhakal seriously injured. YAN central leader Mahesh Basnet openly challenged the police to arrest YAN regional leader Parshu Ram Basnet, who was widely assumed to have ordered the attack; Mahesh Basnet also threatened to shut down Nagarik and throw its editor in chief in jail for writing negative stories about YAN. The incident and Mahesh Basnet's subsequent statements received extensive media coverage. At year's end Parshu Ram Basnet was charged but had not been arrested and remained at large.

Criminal gangs and armed groups affiliated with political parties deliberately targeted journalists throughout the country. According to the FNJ, there were 24 threats and 23 attacks targeting journalists, resulting in one death during the year. Reporters in remote areas outside Kathmandu, in particular, were susceptible to threats and violence in response to stories they wrote. Rarely were the persons accused in these cases brought to trial. According to the FNJ, the government did not take sufficient measures to preserve the safety and independence of the media, and individuals who attacked or killed journalists were rarely prosecuted.

Censorship or Content Restrictions.—The interim constitution protects media licenses from revocation based on the content of what is printed or broadcast. Although government-owned stations have legal cover to operate independently from direct government control, indirect political influence sometimes led to self-censorship. In July Nepal TV deleted a question about the Maoists from an interview with a foreign diplomat conducted by an independent production company. According to Nepal TV, an employee felt the question would be insulting to the Maoist leadership. After questions were raised about the incident, the interview was rebroadcast in its entirety.

The Maoists also influenced media outlets through their powerful trade unions. In the Tarai and the eastern hills, armed groups coerced journalists, resulting in self-censorship and fear for personal safety. Armed groups and political parties burned copies of newspapers they found objectionable.

Internet Freedom.—There were no reports that the government monitored e-mail or Internet chat rooms, and individuals and groups could engage in the expression of views via the Internet, including by e-mail. In contrast with 2010, there were no reports of government restrictions on access to the Internet. The Home Ministry's efforts in 2010 to block Internet sites considered obscene were met with mixed reactions from the public and raised concerns about freedom of expression among some members of the press and free speech advocates, as some nonobscene content was reportedly blocked as well. However, the government reversed its decision and did not impose similar restrictions on Internet freedom in 2011.

Academic Freedom and Cultural Events.—There were some government restrictions on cultural events. The assembly of Tibetans often led to strict restrictions that limited cultural freedoms, including a Himalayan opera show in October.

The media continued to report instances of abduction, extortion, and intimidation of school officials by armed groups, and the government did not take adequate measures to stop this practice.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association; however, the government sometimes restricted freedom of assembly.

Freedom of Assembly.—The law provides for freedom of assembly, and it was generally respected for citizens and legal residents of the country, despite some restrictions. The law authorizes CDOs to impose curfews if there is a possibility that demonstrations or riots may disturb the peace.

The government limited freedom of assembly for the Tibetan community. For example, on March 10, police arrested four individuals who were observing Tibetan Uprising Day at Sampeheling Monastery in Boudhanath. Later that day seven Tibetans demonstrating outside the Chinese embassy in Kathmandu were arrested and detained for more than a week. Police beat several of them while in custody, according to the Human Rights Organization of Nepal.

Security personnel attempted to prevent Buddhists, including Tibetans, from attending the Dalai Lama's birthday celebration on July 6. For Tibetan Democracy Day on September 2, authorities denied permission to hold a religious event at a monastery in Boudhanath. However, a religious celebration to observe Nobel Peace Prize day on December 10 took place peacefully in Boudhanath and Jawalakhel settlements, with a minimal presence of Nepali authorities and no arrests.

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, except for most refugees, whose freedom of movement within the country is legally limited. Constraints on refugee movements were enforced unevenly and more often against the Tibetan than the Bhutanese refugee population. The government did not always cooperate with the Office of the 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. The established procedures for handling newly arrived Tibetans entering the country without documents were generally implemented through coordination between police, immigration officials, the UNHCR, and the Tibetan Reception Center, in a timely, standardized fashion overall. However, concerns regarding the implementation of these procedures arose after a group of 23 new Tibetan arrivals was detained in September following intervention by Chinese authorities, who requested

their return. After a delay, the 23 were released to the UNHCR and were in India at year's end.

Numerous political groups restricted freedom of movement, including forcing transportation strikes, known locally as "bandhs," to bring attention to political issues. Ethnic groups in the Tarai region called most bandhs.

Internally Displaced Persons (IDPs).—Although the government and Maoists agreed to support the voluntary return in safety and dignity of IDPs to their homes following the 10-year civil war, in practice the agreement was not implemented. Several U.N. agencies, including the UNHCR, OHCHR, and U.N. Development Program, continued working with the government to develop an IDP policy consistent with international principles. Civil society and international organizations estimated that there were as many as 70,000 IDPs. The Ministry of Peace and Reconstruction estimated that 78,689 persons were displaced from 1996 to 2006.

The government allowed several international organizations, such as the Norwegian Refugee Council, ICRC, Caritas, International Relief and Development, and Action Aid Nepal to initiate programs to assist IDPs. Middle- and lower-caste IDPs faced severe problems obtaining adequate shelter and food. According to U.N. agencies and international NGOs, the main obstacles preventing most IDPs from returning to their homes continued to be fear of Maoist reprisal, local Maoist commanders' noncompliance, and conflict with those occupying the houses and lands of the IDPs. According to the Nepal IDP Working Group, most IDPs were unwilling to return home, not only due to security but also economic concerns, primarily involving property, housing, and employment opportunities.

Children of persons who were killed or displaced during the conflict were often unable to access government benefits because they were not able to register with local authorities due to fear of retribution by Maoists or inability to confirm the death of a family member who disappeared during the conflict. According to Caritas, the government made little effort to aid or monitor the movement of IDPs.

Protection of Refugees.—Access to Asylum.—The 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. While the government has in place ad hoc administrative directives that provide some protection for Bhutanese and Tibetan refugees, implementation of the directives was sometimes unpredictable.

The government officially restricted freedom of movement and work for the approximately 55,000 Bhutanese refugees residing in refugee camps in the eastern part of the country, but those restrictions were largely unenforced for this population. In 2007 the government agreed to permit third-country resettlement for Bhutanese refugees. Since resettlement began, roughly 58,500 Bhutanese refugees have been resettled to third countries, of which 49,100 were resettled in the United States.

Tibetans who arrived in the country after 1989 are not recognized as refugees. Consequently, most Tibetans who arrived since then transited to India, although an estimated 15,000-20,000 Tibetans remained in Nepal. After China heightened security along its border and increased restrictions on internal freedom of movement in 2008, the number of Tibetans who transited the country dropped significantly. UNHCR-facilitated exit permits for recent arrivals from Tibet transiting Nepal to India have become more regularized, with only minor administrative delays.

There continued to be reports of harassment by Chinese officials within Nepal's borders.

There were instances in which local police assisted and protected Tibetans found in the border region.

Refugee Abuse.—There were numerous reports that police and other local officials harassed Tibetans engaged in daily activities. Police reportedly conducted random checks of identity documents of Tibetans, including monks. These identity checks sometimes included threats of deportation or detention, followed by requests for bribes.

On June 22, authorities arrested 12 Tibetans taking part in a candlelight vigil in support of a monk who committed suicide to protest Chinese oppression of Tibetans' freedom in China. Security forces detained and questioned leaders of the Tibetan community, forcing other leaders into temporary hiding. In addition, more than 50 Tibetans were detained on November 1 during a three-day event organized by the Regional Tibetan Youth Club to show solidarity with monks who had committed self-immolation in China. The following day an additional 18 Tibetans were detained following an attempted self-immolation during the protest. All detainees were released later the same day.

Access to Basic Services.—Many of the Tibetans who lived in the country did not have legal resident status. Many who arrived after 1990 and their Nepal-born chil-

dren were without legal status and had no documentation. Even those with acknowledged refugee status had no legal rights beyond the ability to remain in the country, and the Nepal-born children of Tibetans with legal status often lacked documentation. Tibetan refugees had no entitlement to higher education, business ownership or licenses, bank accounts, or to conduct legal transactions, including documentation of births, marriages, and deaths, although bribery often made these possible. While Nepal-based Tibetans with registration cards were eligible to apply for travel documents to leave the country, the legal process was arduous, expensive, opaque, and poorly publicized.

In March police and government officials denied permission for Tibetans in Nepal to participate in the prime ministerial elections of the Central Tibetan Administration. While police halted voting in Kathmandu, settlements in Pokhara recorded approximately 700 votes.

The country hosted approximately 300 refugees from other countries, including Somalia, Burma, and Pakistan. The government continued to deny these groups recognition as refugees and required prohibitive fines ($5 for each day out of status) for permission to exit the country. However, the government waived fines in a few instances with compelling humanitarian concerns. The government allowed the UNHCR to provide some education, health, and livelihood services to refugees, but they lacked legal access to education and the right to work.

Stateless Persons.—In 1995 the government-established Dhanapati Commission estimated that 3.4 million individuals in the country lacked citizenship documentation. Although the government acknowledged that these individuals were Nepalis, they did not hold the citizenship certificate (issued to citizens at the age of 16 if born to a Nepali parent) needed to obtain many rights of citizenship (see section 6, Women and Children). Although the 2006 Citizenship Act allowed more than 2.6 million persons to receive certificates, a UNHCR-led survey in November estimated that approximately three to five million persons still had not received citizenship documentation due to isolation, poverty, and discriminatory practices at the local level.

Citizenship laws that discriminate based on gender contributed to statelessness. Citizenship is transmitted to children if either the mother or father is a citizen. In practice local officials generally refused to issue citizenship documents to children on the basis of their mother's citizenship certificate alone. On February 27, the Supreme Court confirmed that citizenship can be passed by the mother, even if the father is unknown or not available due to separation from the family. After that time, a number of citizenship certificates were issued, but some local officials did not follow the court ruling. The issue of citizenship rights was under review in the Constituent Assembly.

Stateless persons did not experience violence; however, they experienced discrimination in employment, education, housing, health services, marriage, birth registration, access to courts and judicial procedures, and land or property ownership.

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

The law provides citizens the right to change their government peacefully, and citizens generally exercised this right in practice.

Elections and Political Participation.—Recent Elections.—In 2008 citizens elected members to the Constituent Assembly, which was to serve as both a legislature and a constitution-drafting body. Domestic and international observers found the election results credible, although there were reports of political violence, intimidation, and voting irregularities.

Participation of Women and Minorities.—There are no specific laws that restrict women, indigenous people, or minorities from voting or participating in government or in political parties, but tradition limited the roles of women and some castes and ethnicities in the political process. Members of certain castes traditionally held more power than others. There were 194 women in the 594-seat Constituent Assembly. In the 44-member cabinet, seven members were from ethnic minority communities, five were women, and four were Dalits. Most of the larger political parties had associated youth wings, trade unions, and social organizations.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption. However, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The Commission for the Investigation of the Abuse of Authority (CIAA), mandated to investigate official acts of corruption, claimed an 80 percent success rate concerning corruption cases it filed, but some cases involving politicians were not filed or were defeated in court. Most civil society organizations

believed the CIAA was not an effective commission. Public officials are subject to financial disclosure laws. However, according to the National Vigilance Center, 77 Constituent Assembly members and an estimated 35,000 civil servants had not submitted their annual financial statements as required by law. Those who do not may face a fine of up to 5,000 rupees ($60).

There were numerous reports of corrupt actions by ministers and Constituent Assembly members. On March 16, the Supreme Court convicted former minister and Nepali Congress leader Chiranjibi Wagle of corruption and sentenced him to 18 months' imprisonment and a fine of 20.3 million rupees ($238,400). The Supreme Court concluded that Wagle amassed property through abuse of power when he was in public office and transferred the properties to the names of family members, including his son Devendra. This was the first time since 1990 that the Supreme Court convicted a senior politician on corruption charges.

On April 25, authorities arrested Constituent Assembly members Gayatri Sah of the Nepali Janata Dahal party and B.P. Yadav of the Madhesi Janadhikar Forum over allegations of misuse of diplomatic passports. Crime Investigation Branch investigations revealed that the lawmakers acted with passport racketeers, who obtained diplomatic passports, citizenship certificates, and identity cards to alter and use them to send prospective clients to Australia. On May 18, Sah and Yadav were detained at the central jail. They were each released on bail of 1.5 million rupees ($17,620), and the case was still pending at year's end. Both were suspended from the Constituent Assembly.

Maoists and Maoist-affiliated organizations continued to commit abuses during the year, but less than in previous years. Maoists regularly extorted money from businesses, workers, private citizens, and NGOs.

On April 10, a Maoist trade union faction led by Salik Ram Jammakattel sent letters to entrepreneurs seeking "physical, moral, and financial" assistance for an International Worker's Day celebration. The union sent letters to more than 3,000 businesses across the nation, demanding 100,000 rupees ($1,175) from each. The newly-formed Maoist Peoples' Volunteers Bureau also attempted to extort businessmen, government offices, and contractors, which they labeled "political donations."

Corruption and impunity remained problems within the NP. According to international observers, there was a severe shortage of senior-level NP officers. At the district level, this shortage resulted in untrained constables making policies and decisions outside of their authority and without supervision, creating opportunities for bribery, corruption, misinterpretation, and abuse of authority.

On June 7, the CIAA charged 36 incumbent and retired police officials and two suppliers with embezzling 288 million rupees ($3.4 million) while purchasing armored personnel carriers for the NP peacekeeping mission deployed in Darfur. Ramesh Chand Thakuri, former head of the NP, and 24 other police officials were automatically suspended upon the filing of the case on June 7.

In 2007 the interim parliament passed the Right to Information Law, which mandates that public organizations provide citizens with information as quickly as possible and respond within 15 days. In practice the government generally met this requirement. If authorities deny individuals access to information, officials must provide a valid explanation. The law provides that information may be withheld on five grounds: to facilitate the investigation and filing of criminal charges, to protect the economic and commercial interests of the country, to preserve banking and commercial secrecy, to prevent disruption of communal harmony, or to prevent disruption of personal life or security.

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

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

Many independent domestic human rights NGOs operated in the country. The government met with and was generally responsive to human rights NGOs, as demonstrated by the government's cooperation with human rights organizations during Nepal's first Universal Periodic Review before the UNHRC. The Nepal Law Society also monitored human rights abuses, and a number of other NGOs focused on specific areas, such as torture, child labor, women's rights, and ethnic minorities.

The Maoist party had publicly castigated some lawyers and human rights defenders for their possible role in the June 2010 denial of a visa for a foreign training program for Agni Sapkota, a Maoist leader alleged to be responsible for human rights abuses during the insurgency. Members of the Maoist party threatened specific human rights activists. On May 7, Sapkota was appointed minister for informa-

tion and communications, which led human rights defenders and civil society groups to file a public interest case with the Supreme Court demanding his removal because he was under investigation for his conduct during the insurgency. Maoist-affiliated groups accused human rights organizations of a politically motivated attack on Sapkota. While the Supreme Court considered the public interest case, on July 25, the government withdrew the nominations of several Maoist ministers, among them Sapkota's, for unrelated reasons.

U.N. and Other International Bodies.—As set out in the 2006 Comprehensive Peace Agreement, the OHCHR continued its work with the government to formulate and implement policies and programs for the promotion and protection of human rights. The government requested an extension of the OHCHR's mandate through December. The government required the OHCHR to close all its regional offices in 2010, and the regular mandate renewal negotiations made it difficult for the OHCHR to operate. The government did not approve OHCHR's request for a mandate extension, which expired on December 8 and would require OHCHR to close its operations in the country by mid-2012.

Government Human Rights Bodies.—The NHRC investigates past and current allegations of abuses. Resource constraints and insufficient manpower restricted the number of investigations. The NHRC stated that the government had helped promote impunity by not fully implementing its recommendations. Of 450 recommendations the NHRC made during the previous 11 years, the government implemented 126 fully and 246 partially, according to NHRC.

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

The law prohibits discrimination based on race, caste, gender, disability, language, or social status. However, the government did not effectively enforce these prohibitions. The Caste Discrimination and Untouchability Act, passed in May, criminalizes discrimination based on caste. As of year's end, its effectiveness was unclear. A rigid caste system continued to operate throughout the country in many areas of religious, professional, and daily life. Societal discrimination against lower castes, women, and persons with disabilities remained common, especially in rural areas.

Women.—Rape and Domestic Violence.—Violence against women remained a problem. Under the civil code, sentences for rape vary between five and 12 years, depending on the female victim's age. The law also mandates five years' additional imprisonment in the case of gang rape or rape of pregnant women or women with disabilities. The victim's compensation depends on the degree of mental and physical torture. Under the law the definition of rape includes marital rape, and the husband can be jailed for three to six months. Most incidents of rape went unreported, although in those rape cases that were reported, police and the courts were responsive. During fiscal year 2010-11, 481 cases of rape and 151 cases of attempted rape were filed with police, compared with 376 cases of rape and 101 cases of attempted rape in the previous fiscal year, according to the Women's Police Cell, a special unit of the NP that investigates crimes against women.

Domestic violence against women remained a serious problem. While few cases were reported, there was much anecdotal evidence that physical and verbal abuse was common. Violence against women was one of the major factors responsible for the poor health of women, livelihood insecurity, and inadequate social mobilization. According to Amnesty International, in the first half of the year, more than 300 domestic violence cases were reported to police in the Kathmandu valley alone; many more went unreported. The domestic violence law imposes a fine of 3,000 to 25,000 rupees ($35 to $295), six months' imprisonment, or both, on violators. Repeat offenders receive double punishment. Any person holding a position of public responsibility is subject to 10 percent greater punishment than is a person who does not hold such a position. Anyone who does not follow a court order is subject to a fine of 2,000 to 15,000 rupees ($23 to $175), four months' imprisonment, or both.

Although the government passed the Domestic Violence (Crime and Punishment) Act in 2009, many security officials and citizens were unaware of the law. The government's effort to establish the needed structures to successfully implement the act were uncoordinated and incomplete. The majority of domestic violence cases were settled through mediation rather than legal prosecution.

Educational programs offered by NGOs for police, politicians, and the general public aimed to promote greater awareness of domestic violence. Police claimed to have women's cells in each of the country's 75 districts, but they had minimal resources and untrained personnel to deal with victims of domestic violence and trafficking. Police directives instruct officers to treat domestic violence as a criminal of-

fense, but the directives were difficult to enforce because of entrenched discriminatory attitudes.

Although the law prohibits polygamy, it persisted. Polygamists are subject to a two-month prison term and a fine, but the second marriage is not invalidated. Violence surrounding polygamy remained a problem.

Harmful Traditional Practices.—The dowry tradition was strong in the Tarai districts bordering India, and there were sporadic incidents of bride killing over dowry disputes. More often husbands or in-laws seeking additional dowry physically abused wives or forced women to leave so the men could remarry.

For example, on March 26, Bibha Devi Mandal's husband, mother-in-law, and brothers-in-law, beat her to death for not bringing enough dowry. At year's end police were investigating her death following her parents' complaint.

Traditional beliefs about witchcraft negatively affected elderly rural women and widows with low economic status, especially those who belonged to the lower caste of Dalits. Shamans or other local authority figures publicly beat and otherwise physically abused alleged witches as part of exorcism ceremonies. The media and NGOs reported numerous cases of such violence during the year. There was no government mechanism to prevent such abuses or to provide compensation to those abused, but civil society organizations raised public awareness of the problem. Women accused of witchcraft were severely traumatized and suffered physical and mental abuse, including such acts being fed human excreta, being hit with hot spoons in different parts of the body, being forced to touch red-hot irons or breathe in chili smoke, or being perforated in their private organs.

During the year there were reports of cases of women being beaten after having been accused of witchcraft. For example, 41-year-old Gauri Devi Saha of Bara was severely beaten and forced to eat human waste by her neighbors, who accused her of having practiced witchcraft on May 5.

On November 23, Samkhu Devi Urawa of Bhokhra-3, Sunsari was attacked by her brother-in-law, Dukhan Lal Urawa, who accused her of witchcraft and being responsible for the death of his mother, Laliya Devi Urawa, and brother Dhurpa Urawa, who died two years earlier. The perpetrator was taken into custody, and a legal case continued at year's end.

Sexual Harassment.—The law contains a provision against sexual harassment, with a maximum penalty of a one-year prison sentence and fine of 10,000 rupees ($117). Government enforcement was weak. Sexual harassment was a problem, but lack of awareness as to what constitutes sexual harassment led victims not to report most incidents.

Sex Tourism.—Thousands of women were forced into commercial sexual exploitation in other countries and increasingly within the country, according to organizations that provided services to sex workers and victims of human trafficking. According to the National Human Rights Commission Office of the Special Rapporteur on Trafficking, approximately one-fourth to one-third of all sex entertainment workers were children under the age of 18. The Human Trafficking and Transportation (Control) Act, 2007 and the Domestic Violence (Crime and Punishment) Act 2009 provide for criminal penalties for exploitation, including human trafficking.

Reproductive Rights.—Couples and individuals generally may decide freely the number, spacing, and timing of their children and were not subject to discrimination, coercion, or violence regarding these choices. Contraception was available to both men and women. According to the 2011 Nepal Demographic Health Survey, 43.2 percent of married women used a modern contraceptive method while 56.8 percent of married women had an unmet need for family planning. Forty-eight percent of mothers received prenatal care from a doctor, nurse, or midwife. The country made progress in reducing its maternal mortality rate from 850 per 100,000 live births in 1990 to an estimated 229 per 100,000 live births in 2010. Despite these improvements, the rate of deliveries attended by skilled birth attendants was relatively low (36 percent) according to the health survey. According to the survey, women did not have access to life-saving interventions during pregnancy, delivery, and the postnatal period and were dying as a result, especially in remote areas. Men and women generally were diagnosed and treated equally for sexually transmitted infections.

Discrimination.—Although the law provides protections for women, including equal pay for equal work, the government did not implement those provisions, including in many state industries.

Women faced systemic discrimination, particularly in rural areas, where religious and cultural traditions, lack of education, and ignorance of the law remained severe impediments to the exercise of basic rights, such as the right to vote or to hold property in one's own name.

Citizenship is automatically conferred through either Nepali parent (see section 6, children). In practice, however, government officials often refused to grant citizenship documents based on the mother's citizenship if a father's identity was unknown or if he was a foreign national.

Despite the 2006 Gender Equality Act, discriminatory provisions remain in the law. According to INSEC, 62 laws have provisions that discriminate against women. For example, the law on property rights favors men in land tenancy and the division of family property. The law encourages bigamy by allowing men to remarry without divorcing if the first wife becomes incapacitated or infertile.

The Foreign Employment Act no longer requires a woman to get permission from the government and her guardian before seeking work through a foreign employment agency.

According to the U.N. Committee on the Elimination of All Forms of Discrimination against Women, there were limitations to women's access to fixed property and credit.

Children.—Birth Registration.—According to the 2006 Nepal Citizenship Act, citizenship is derived from one of the parents with Nepali nationality. Despite the Supreme Court's 2009 decision that the right to choose whether to seek citizenship through one's father or mother rests with the applicant, many were denied citizenship due to lack of access to local authorities or lack of awareness of the law by applicants or government officials. This led to problems attaining citizenship and difficulty in school admissions. Children living without parents, such as street children whose parents' whereabouts were not known, faced many hurdles, although children in institutional care can obtain citizenship through the guardianship of their respective institutions. Children found within the borders of the country without parental identity were considered citizens on the basis of lineage until the parents of the child were identified (see section 2.d., Stateless Persons.).

Education.—Although the law provides for the welfare and education of children, its implementation was uneven. Education is not compulsory. Government policy provided free primary education for all children between the ages of six and 12, although most students have some costs for examinations and must buy uniforms. The government reported that 91.9 percent of school-age children were attending public schools but that girls were the majority of those deprived of basic education.

Medical Care.—The government provided basic health care free to children and adults, although prevalent parental discrimination against girls often resulted in impoverished parents giving priority to their boys when seeking medical services.

Child Abuse.—Violence against children was widespread, although rarely prosecuted. The government established some mechanisms to respond to child abuse and violence against children, such as the Central Child Welfare Board, which has chapters in all 75 districts.

The law forbids discrimination based on gender. However, in practice there was considerable discrimination against girls.

Child Marriage.—The law prohibits marriage for girls before the age of 18; however, families in many areas sometimes forced their young children to marry. UNICEF reported that 51 percent of Nepalese married as children. The country's 2011 Demographic and Health Survey found that, among Nepalese women age 25 to 49, 55 percent were married by the time they reached 18, and 74 percent were married by age 20. In some areas in the East, many young girls were married off to escape large dowry payments, which increase with the age of the girl. Social, economic, and religious values promoted the practice of child marriages. The law sets penalties for violations according to the age of the girls involved in child marriage. The penalty includes both a prison sentence and a fine, with the fees collected in the case of underage marriage to be turned over to the girl involved. According to the civil code, the government must take action whenever a case of child marriage is filed with authorities. There were no government programs to prevent child marriage.

Sexual Exploitation of Children.—Commercial sexual exploitation of children remained a serious problem. There were reports of boys and girls living on the streets who survived through prostitution and of underage girls employed in dance bars, massage parlors, and cabin restaurants. The minimum age for consensual sex is 16, and the penalties for rape vary according to age of the victim and the relationship. Conviction for rape can result in six to 10 years' imprisonment if the victim is under 14 years of age, or three to five years' imprisonment if she is 14 or older. Conviction for attempted rape may be punished with half of the penalty provided for rape.

Child pornography is against the law. However, ambiguous interpretation of the law made it difficult to prosecute pornographers. Children's rights advocates consid-

ered the penalty for such offenses—a fine of up to 10,000 rupees ($117), imprisonment for up to one year, or both—inadequate as a deterrent.

Displaced Children.—Internal displacement due to the decade-long Maoist conflict continued; estimates of the number displaced ranged widely. As IDPs, children experienced poor social reintegration, inadequate food, shelter, health care, and limited access to education. Security forces often abused and arrested street children to "clean up" the streets.

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 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 interim constitution does not address the rights of persons with disabilities. Government efforts to enforce laws and regulations to improve rights and benefits for persons with disabilities were not effective. The law mandates access to buildings, transportation, employment, education, and other state services, but these provisions generally were not enforced. The government did not effectively enforce laws regarding persons with disabilities.

According to Handicap International, persons with physical and mental disabilities faced discrimination in employment, education, access to health care, and the provision of other state services. The Ministry of Women, Children, and Social Welfare is responsible for the protection of persons with disabilities, the Ministry of Education provides scholarships for children with disabilities, and the Ministry of Local Development is responsible for allocating 5 percent of the budget of local development agencies for disability programs. Some NGOs working with persons with disabilities received funding from the government. However, most persons with physical or mental disabilities relied almost exclusively on family members for assistance.

*National/Racial/Ethnic Minorities.*The law provides that each community shall have the right "to preserve and promote its language, script, and culture" and to operate schools at the primary level in its native language. In practice the government generally upheld these provisions.

There were more than 75 ethnic groups which spoke 50 different languages. Discrimination against lower castes and some ethnic groups was especially common in the Tarai region and in rural areas in the West, even though the government outlawed the public shunning of Dalits and made an effort to protect the rights of disadvantaged castes. Better education and higher levels of prosperity, especially in the Kathmandu valley, were slowly reducing caste distinctions and increasing opportunities for lower socioeconomic groups. Better educated, urban-oriented castes continued to dominate politics and senior administrative and military positions and control a disproportionate share of natural resources.

Caste-based discrimination is illegal. However, Dalits occasionally were barred from entering temples and sharing water sources. Progress in reducing discrimination was more successful in urban areas.

Resistance to intercaste marriage remained high and in some cases resulted in forced expulsion from the community. While Dalits who participated in wedding activities traditionally reserved for non-Dalits, such as riding a horse, were sometimes assaulted, the courts showed a willingness to prosecute such cases of discrimination.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The country has no laws that specifically criminalize homosexuality. However, government authorities, especially police, sometimes harassed and abused homosexual persons. According to the Blue Diamond Society, a local NGO, harassment of such persons by both government and citizens was common. NGOs working on lesbian, gay, bisexual, transgender, and intersex (LGBTI) issues reported that police harassment of sexual minorities occurred in rural areas of the country, especially in the Tarai region.

In 2007 the Supreme Court directed the government to enact laws to protect LGBTI persons' fundamental rights, enable third-gender citizenship, and amend all laws that were sexually discriminatory. Many mainstream political parties included pro-LGBTI legislation in their party manifestos, and LGBTI activists continued to press for protections for sexual minorities in the new constitution.

Other Societal Violence or Discrimination.—There was no official discrimination against those who provided HIV prevention services or against high-risk groups likely to spread HIV/AIDS, although there was societal discrimination against these groups. Discrimination against women infected with HIV/AIDS was greater than for

men, even though men who traveled to other countries for work were at higher risk of contracting the disease and spreading it to their wives.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law grants Nepali workers the freedom to form and join unions of their choice, except subversive, seditious, or similar organizations, as deemed by the government. Freedom of association extends to workers in both the formal and informal sector but not to foreign nationals. Noncitizens cannot be elected as trade union officials and do not have the right to form unions. Nepali workers have the rights to strike, except for employees in 16 essential services, and bargain collectively. The law also provides for the protection of unions and their officials from lawsuits arising from actions taken in the discharge of union duties, including collective bargaining, and prohibits antiunion discrimination. The law provides for reinstatement of workers fired for union activity.

The law stipulates that unions must represent at least 25 percent of workers to be considered representative. However, the minimum requirement does not prohibit the formation of ersatz union groups, which call strikes and enter into direct negotiation with the government. Workers in the informal sector are also allowed to form unions, but according to the Department of Labor many workers were not aware of these rights.

The law does not allow dismissal or transfer of employees for attempting to form a union. If workers are dismissed for engaging in union activities, they can file a case with the Department of Labor, which has semi-judicial and mediation authority, or the Labor Court to be reinstated. Most cases are settled through mediation. By law employers can fire workers only under limited conditions and only after three counts of misconduct. The law stipulates that participation in a strike that does not meet legal requirements is considered misconduct.

Workers in 16 essential services are prohibited from striking. These sectors include public transportation, banking, security, and health care, among others. The law's definition of essential services does not conform to international standards. Members of the armed forces, police, and government officials at the under secretary level or higher are also prohibited from taking part in union activities. In the private sector, employees in managerial positions are not permitted to join unions. However, the definition of what constitutes a managerial position was vague.

To conduct a legal strike, 51 percent of a union's membership must vote in favor of a strike in a secret ballot, and unions are required to give 30 days' notice before striking. If the union is unregistered, does not have majority support, or calls a strike prior to issuing a 30 days' notice, the strike is considered illegal.

Enforcement of the above laws was uneven in practice. Although the government restricted strikes in essential services, workers in hospitals, hotels, banking, restaurants, and the transportation sector called numerous strikes during the year. Freedom of association and the right to collective bargaining generally were respected in practice. Unions were often linked to political parties and did not operate independently from them. Although the law has minimum threshold requirements, some unions represent less than the 25 percent of the workforce required to be considered representative.

Labor leaders faced challenges in reaching collective bargaining agreements due to political infighting among trade unions.

During the year the three major unions called a nationwide strike to press for an increase in the minimum wage to 6,100 rupees per month ($72). After extensive negotiations between the three major unions and two apex business federations, both sides agreed to the wage increases. However, the agreement was later undercut by another small and unregistered union group affiliated with Madhesi (Tarai-based) political parties. After pressure from the business community, the government agreed to enter discussions with the unregistered union group, which successfully pressed for a minimum wage of 6,200 rupees ($73) per month for its members. Later the government overturned the agreement reached between the three major trade unions and two apex business federations.

Violence in labor disputes usually involved labor unions that threatened government officials, employers, or other union members if they did not agree to the union's demands. Several cases were documented in which members of the Maoist-affiliated All Nepal Trade Union Federation (ANTUF) attacked other unions. ANTUF members also forced companies to dismiss workers who belonged to other unions or forced workers to join its union or risk losing their jobs. In the Surya Nepal Garment factory, union members affiliated with the Maoist party forcibly locked management staff, including one pregnant staff member, in the factory for 36 hours without food and water to demand payment during a strike. The manage-

ment staff members were later released after intervention by the CDO. Cases of violence against union members also were reported, although they were rarer.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor. However, there continued to be reports of debt bondage.

In 2002 the government formally outlawed the Kamaiya system, a form of bonded labor. Government enforcement of the law was uneven, and social reintegration remained difficult. In 2010 the government rehabilitated an additional 6,870 Kamaiyas, bringing the total number of rehabilitated persons to 22,402 in a total Kamaiya population of 27,570. The Haliya system, another form of bonded labor primarily for individuals engaged to cultivate farmland, was outlawed in 2008, but OHCHR-Nepal reported that some freed Haliyas had not been issued identity cards, making it difficult for them to access public services.

There were reports that forced labor and bonded labor persisted, especially in agriculture, domestic services, factories, food services, textile embroidery, production of pornography, begging, circus entertainment, and brick kiln work. Victims of bonded and forced labor were generally women and children.

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 establishes a minimum age of 16 for employment in industry and 14 for employment in agriculture and mandates acceptable working conditions for children. Employers must maintain records of all laborers between the ages of 14 and 16. The law prohibits employment of children in factories, mines, or 60 other categories of hazardous work and limits children between the ages of 16 and 18 to a 36-hour workweek (six hours a day between 6 a.m. and 6 p.m., and six days a week). The law also establishes specific penalties for those who unlawfully employ children, but regulations to enforce the law had not been fully implemented. For example, children could be found working in construction sites in the capital, often without any protective gear.

The Ministry of Labor, which is responsible for enforcing child labor laws and practices, had a poor enforcement record, and a significant amount of child labor occurred in the formal and informal sectors. Resources devoted to enforcement were limited. According to the Ministry of Labor, recent inspections did not find children working. However, child labor in the informal sector occurred in agriculture, domestic service, portering, recycling, transportation, and rock breaking. In the informal sector children worked long hours, carried heavy loads, were at risk of sexual exploitation, and at times suffered from ear, eye, or skin disorders or musculoskeletal problems. Forced child labor was reported in the brick, carpet, embroidered textile, and stone industries. Children working in textiles and embroidery faced hazards, as they were confined to small, poorly ventilated rooms where they worked with sharp needles.

According to the Nepal Labor Force Survey 2008, the most recent survey available, the labor force participation rate was 13.4 percent for children ages five to nine and 52.7 percent for children ages 10 to 14. Of those, 1.6 million children worked full time.

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 unskilled laborers was 6,200 rupees per month (approximately $73). The minimum wage exceeded the poverty line of $1.25 per day but was barely sufficient to meet subsistence needs. Minimum wage laws apply to both the formal (which accounts for about 10 percent of the total workforce) and informal sector, but implementation was stronger in the formal sector.

The law stipulates a 48-hour workweek, with one day off per week and one-half hour of rest per five hours worked. The law limits overtime to no more than four hours in a day and 20 hours per week, with a 50 percent overtime premium per hour. Excessive compulsory overtime is prohibited. Employees are also entitled to paid public holiday leave, sick leave, annual leave, maternity leave, bereavement leave, and other special leave. The government sets occupational health and safety standards and establishes other benefits, such as a provident fund, housing facilities, day-care arrangements for establishments with more than 50 women workers, and maternity benefits.

In practice the Ministry of Labor reported that most factories in the formal sector were in compliance with laws on minimum wage and hours of work, but implementation varied in the informal sector, including in agriculture and domestic servitude. The ministry had 12 factory inspectors for the entire country, who also acted as

labor and occupational health and safety inspectors. Reportedly there were vacant inspector positions at the ministry.

Implementation of occupational health and safety standards was minimal, and the Ministry of Labor considered it the most neglected area of labor law enforcement. For example, the law requires establishments to provide protective eye equipment where cement, iron, and glass are used, but workers at many construction sites operated without equipment such as head gear or shoes. Such violations were found across sectors, including in construction, mining, transportation, agriculture, and factory work.

The government had not created the necessary regulatory or administrative structures to enforce occupational safety and health provisions. The Ministry of Labor did not have a specific office dedicated to occupational safety and health, nor did it have inspectors specifically trained in this area. Penalties were insufficient to deter violations. Workers often felt they could not remove themselves from dangerous work situations without fear of losing their jobs. Although the law authorizes factory inspectors to order employers to rectify unsafe conditions, enforcement of safety standards remained minimal and monitoring was weak. Accurate data on workplace fatalities and accidents were not collected on a regular basis.

The government regulated labor contracting, or "manpower," agencies that recruited workers for overseas jobs and penalized fraudulent recruitment practices. However, according to several NGOs, government officials were often complicit in falsifying travel documents and overlooking recruiting violations by labor contractors. The myriad of unregistered labor "brokers" and middlemen—who were often trusted members of the community—complicated effective monitoring of recruitment practices. The government began a number of initiatives to raise awareness and make the recruitment process more transparent. Workers were also encouraged to register and pay a fee to the Foreign Employment Promotion Board, which tracked migrant workers and provided some compensation if workers' rights were violated. The government required all contracts to be translated into Nepali and instituted provisions whereby all workers have to attend a predeparture orientation program. During the orientation workers are made aware of their rights and legal recourse should their rights be violated. However, the effectiveness of such initiatives remained questionable as workers who went overseas often skipped the mandatory training, and many companies were found to issue predeparture orientation certificates for a small fee rather than deliver the training.

PAKISTAN

EXECUTIVE SUMMARY

Pakistan is a federal republic. With the election of current president and head of state, Asif Ali Zardari, democratic rule was restored in 2008 after years of military government. Syed Yousuf Raza Gilani of the Pakistan People's Party (PPP) served as prime minister and head of government. The PPP and its federal coalition partners controlled the executive and legislative branches of the national government and three of the four provincial assemblies. The military and intelligence services nominally reported to civilian authorities but essentially operated without effective civilian oversight. Generally, the police force reported to civilian authority, although there were instances in which it acted independently.

The most serious human rights problems were extrajudicial killings, torture, and disappearances committed by security forces, as well as by militant, terrorist, and extremist groups, which affected thousands of citizens in nearly all areas of the country. Two prominent political figures, Punjab governor Salman Taseer and federal minister for minorities Shahbaz Bhatti, were assassinated due to their support for revisions of the blasphemy law and for Aasia Bibi, a Christian who had been sentenced to death under the law.

Other human rights problems included poor prison conditions, instances of arbitrary detention, lengthy pretrial detention, a weak criminal justice system, insufficient training for prosecutors and criminal investigators, a lack of judicial independence in the lower courts, and infringements on citizens' privacy rights. Harassment of journalists, some censorship, and self-censorship continued. There were some restrictions on freedom of assembly and some limits on freedom of movement. The number of religious freedom violations and discrimination against religious minorities increased, including some violations sanctioned by law. Corruption was widespread within the government and the police forces, and the government made few attempts to combat the problem. Rape, domestic violence, sexual harassment,

"honor" crimes, abuse, and discrimination against women remained serious problems. Child abuse and commercial sexual exploitation of children persisted. Widespread human trafficking—including forced and bonded labor—was a serious problem. Societal discrimination against national, ethnic, and racial minorities continued, as did discrimination based on caste, sexual orientation, gender identity, and HIV status. Lack of respect for worker rights continued.

Lack of government accountability remained a pervasive problem. Abuses often went unpunished, fostering a culture of impunity.

Violence, abuse, and social and religious intolerance by militant organizations, and other nongovernmental actors contributed to a culture of lawlessness in some parts of the country, particularly Balochistan, Sindh, Khyber Pakhtunkhwa (KP, formerly known as the North West Frontier Province), and the Federally Administered Tribal Areas (FATA).

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

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

Security forces reportedly committed extrajudicial killings in connection with conflicts in Balochistan, FATA, and KP (see section 1.g.). A May 24 report by the Asian Legal Resource Center (ALRC) stated that from October 2010 to May government agencies abducted and killed more than 120 persons. Human Rights Watch (HRW) stated that between January and July security forces abducted and killed at least 150 persons and abandoned their bodies across Balochistan, in acts widely referred to as "kill and dump" operations. "The surge in unlawful killings of suspected militants and opposition figures in Balochistan has taken the brutality in the province to an unprecedented level," HRW concluded, and it urged the government to investigate all those responsible, especially in the military and Frontier Corps (FC), and hold them accountable. A parliamentary committee was formed to look into killings in Balochistan. The committee had not concluded its findings and recommendations by year's end.

Some deaths of individuals accused of crimes allegedly resulted from extreme physical abuse while in official custody. As of December the nongovernmental organization (NGO) Society for Human Rights and Prisoners' Aid (SHARP) reported 61 civilian deaths after encounters with police and 89 deaths in jails, a decrease from the previous year. The police stated these deaths occurred when suspects attempted to escape, resisted arrest, or committed suicide. Human rights observers, family members, and the media reported that security forces staged many of the deaths. Lengthy trial delays and failures to discipline and consistently prosecute those responsible for killings contributed to a culture of impunity.

On May 17, security officials shot and killed five unarmed Chechen and Tajik nationals at the Kharotabad check post in Quetta, Balochistan, after accusing them of being terrorists. Chief Minister of Balochistan Nawab Aslam Raisani ordered a judicial inquiry into the incident. On June 28, the inquiry commission presented its report to the provincial government, which declared police and FC officials at the check post responsible for the incident and recommended action against them. No action had been taken against these officials by year's end. On December 29, following a beating earlier in the year, unknown assailants in Quetta killed surgeon Dr. Baqir Shah, who conducted the autopsy on the five foreigners and was a key witness in the case.

On June 26, the newspaper Dawn reported that the Sindh Rangers shot and killed Sarfaraz Shah after he was "caught red-handed" while stealing cash and valuables from visitors at the Benazir Shaheed Park. Footage broadcast on news channels and YouTube showed that the unarmed youngster was shot from very close range by one of six soldiers gathered around him as Sarfaraz pled for mercy. On August 12, a court sentenced one of the soldiers to death and gave five others life sentences. Authorities also removed the provincial chiefs of police and rangers in Karachi. However, the director general in charge at the time of the abuse was reinstated and promoted to lieutenant general on October 4.

There were no developments in a 2009 extrajudicial killing case in which an Internet video showed men in military uniforms executing six young men in the Swat Valley. In October 2010 Chief of Army Staff General Afshaq Kayani ordered the establishment of a board of inquiry to determine the identities of the uniformed personnel seen in the video. The military had not publicly announced the conclusions of its investigation by year's end, and no one had been held accountable.

In April 2010 a three-member U.N. commission presented its report on the 2007 assassination of former prime minister Benazir Bhutto. The report stated that the former government led by Pervez Musharraf did not protect Bhutto and that intelligence agencies hindered the subsequent investigation. On November 5, an

antiterrorism court indicted two police officers, including the former Rawalpindi chief of police, and five members of the Pakistani Taliban, for criminal conspiracy and murder.

Politically motivated killings also continued. In Balochistan, nationalist, political, and intellectual leaders remained targets of attacks during the year. For example, on January 18, the Daily Times reported that the bullet-riddled bodies of three Baloch political activists were found in Ormara, Makran, and Khuzdar. They were identified as Balochistan National Movement member Naseer Kamalan, a poet and political activist, who allegedly was abducted by the FC in November 2010; Ahmed Dad, an activist of the Baloch Republican Party; and Nisar Ahmed Mengal, the younger brother of the late Rasool Bakhsh Mengal, the central joint secretary of the Balochistan National Party-Mengal (BNP-M). Other attacks on Baloch political activists included the March 14 killing of BNP-M leader Agha Mahmood Ahmedzai in Kalat; the June 2 killing of National Party leader Nasim Jangian in Turbat; the June 23 killing of Mir Rustam Khan Marri, former leader of the BNP-M in Jaffarabad District; the July 21 killing of BNP-M leader Jumma Khan Raisani in Khuzdar; and the September 27 killing of BNP-M leader Abdul Salam in Khuzdar.

The South Asia Terrorism Portal reported that journalists, teachers, students, and human rights defenders also were being targeted in Balochistan. In total, at least 542 civilians were believed to be victims of extrajudicial killings during the year.

There were significant reports of politically motivated killings by political factions or unknown assailants in the city of Karachi, Sindh. According to a report by the Human Rights Commission of Pakistan (HRCP), 1,138 persons were killed in political violence in Karachi during the first six months of the year, 490 of which were targeted killings. On August 28, the National Assembly formed a 17-member all-party committee headed by Minister for Religious Affairs Syed Khursheed Ahmed Shah to probe the killings and violence in Karachi and Balochistan and submit its report in two months. No report had been submitted by year's end; however, the Supreme Court heard a case on its own motion regarding Karachi violence from August 26 to October 6. On October 6, the Supreme Court issued its decree against Sindh provincial authorities for failing to address a breakdown of law and order in Karachi.

The elected civilian government, especially the coalition partner Awami National Party (ANP) in KP, remained the target of attacks. On May 28, at Matta tehsil in Swat, KP, unidentified militants killed ANP President Muzaffar Ali Khan when they attacked his guesthouse with hand grenades and automatic weapons.

During the year two high profile government officials were assassinated for publicly criticizing blasphemy laws and for calling for reform of those laws. On January 4, Punjab Governor Salman Taseer was killed by his bodyguard. On October 1, the Rawalpindi Anti-Terrorism Court sentenced Taseer's killer, Malik Mumtaz Qadri, to death. Qadri filed an appeal of the sentence on October 6. The appeal was pending in the Islamabad High Court at year's end.

On March 2, Shahbaz Bhatti, the federal minister for minorities, was shot and killed in Islamabad. According to press reports, at least two unidentified attackers were involved. The gunmen left pamphlets, reportedly from al-Qaida and Tehrik-e-Taliban Pakistan (TTP), accusing Bhatti of blasphemy. The assailants fled the scene and were not captured. The investigation continued at year's end.

b. Disappearance.—During the year kidnappings and forced disappearances continued, with reports of disappearances in nearly all areas of the country. Some police and security forces held prisoners incommunicado and refused to disclose their location. Human rights organizations reported that many Sindhi and Baloch nationalists were among the missing, and there were reports of disappearances during the year in connection with the conflicts in FATA and KP (see section 1.g.).

Nationalist political parties in Sindh Province reported disappearances and claimed that some of their members were in the custody of the intelligence agencies. Hindu communities in interior Sindh also reported an increase in kidnapping for ransom; many families fled to India as a result. According to an HRCP report, 18 families left within one week in October.

Amnesty International reported that Muzaffar Bhutto, general secretary of the nationalist party Jeay Sindh Muttaheda Mahaz, was abducted on February 25 in Hyderabad, Sindh. Police and intelligence agencies allegedly picked up Jeay Sindh Qaumi Mahaz (JSQM) leader Sikander Aakash Mallah and his aide, Noor Mohammad Khaskheli, from Hyderabad, Sindh, in 2009. They were released in March in Sadiqabad, Punjab. At a press conference in Karachi on April 4, Mallah accused intelligence agencies of abducting him and alleged that they were planning to abduct more nationalist leaders to torture or kill them.

The Supreme Court continued its hearings on missing person's cases. On July 12, the Supreme Court observed that from January to July the number of missing per-

sons in the judicial system increased to 228. The duration of the three-member judicial commission of inquiry on enforced disappearance, formed by the federal government in March 2010, was extended as the Supreme Court referred new cases to it. In September Justice Javed Iqbal was appointed head of the inquiry commission. The commission's mandate included preparing a comprehensive list of missing persons, suggesting ways to trace the missing persons, and finding those responsible for their disappearance. As of December the commission was examining 418 cases.

Disappearances from Balochistan remained a problem, with Baloch political groups demanding political and human rights. On April 6, Federal Interior Minister Rehman Malik informed the Senate that 203 persons were missing in Balochistan. The mutilated dead bodies of 355 missing persons were found from June 2010 to December 2011. According to the Voice of Baloch Missing Persons (VBMP), more than 785 persons had disappeared since January; the bodies of 35 of them were found. The VBMP estimated that more than 14,000 persons had disappeared in Balochistan since 2001.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits torture and other cruel, inhuman, or degrading treatment, but there were reports that security forces, including the intelligence services, tortured and abused individuals in custody. The law has no specific section about torture; it sanctions only "hurt" and does not mention punishing perpetrators of torture.

According to a June 24 statement by the Asian Human Rights Commission (AHRC), the absence of both proper complaint centers and a particular section in the criminal code to define and prohibit torture contributed to the spread of such practices. The AHRC stated that there had been no serious effort by the government to make torture a crime in the country, and the state provided impunity to the perpetrators, who were mostly either policemen or members of the armed forces.

The NGO SHARP reported that, as of December 15, police tortured persons in more than 8,000 cases, compared with findings of 4,069 cases in 2010. Human rights organizations reported that methods of torture included beating with batons and whips, burning with cigarettes, whipping the soles of feet, prolonged isolation, electric shock, denial of food or sleep, hanging upside down, and forced spreading of the legs with bar fetters. Torture occasionally resulted in death or serious injury. Observers noted the underreporting of torture throughout the country.

On September 9, the newspaper the Nation reported that a prisoner died after police torture in Chiniot, Punjab. The district police suspended five policemen, including the station house officer. One month later the police in Chiniot again were accused of torture when police reportedly tortured women who were protesting the death of a member of their family at the hands of the police.

There were reports that police raped women. On April 14, Dawn reported that four policemen gang-raped a Christian health technician in her residential quarters in a hospital in Washak, Quetta. Two policemen were arrested, while two escaped. At year's end there were no further developments in the case.

There were accusations that security forces raped women during interrogations. The government rarely took action against those responsible. There also were reports that police sexually abused street children (see section 6, Children).

The practice of cutting off a woman's nose or ears, especially in connection with "honor" crimes, was reported often, but government officials did little to combat the practice (also see section 6, Women). Parallel local council meetings (jirgas) consisted of assemblies of tribal elders who make decision by consensus; their decisions are recognized as legal by their communities. These jirgas announced inhumane punishments, such as honor killings, for those accused of violating tribal customs.

There were no reported developments in the following cases from 2010: the five police officers arrested for torturing robbery suspects in Chiniot, Punjab, in March; the alleged rape by police officers of a 13-year-old-girl at the Wah Cantonment Police Station in May; and the alleged police torture of a female prisoner at the Sialkot central jail in May.

Prison and Detention Center Conditions.—Prison conditions were often extremely poor and failed to meet international standards. Police sometimes tortured and mistreated those in custody and at times committed extrajudicial killings. Overcrowding was common, except for the cells of wealthy or influential prisoners. Prisons and detention centers were managed largely by the provincial governments. Human rights groups that surveyed prison conditions found sexual abuse, torture, and prolonged detention prevalent. Prisons could not be described as correctional institutions, because the conditions in many of the prisons were so inhuman that criminals often left more hardened than before their incarcerations.

Inadequate food and medical care in prisons led to chronic health problems and malnutrition for those unable to supplement their diets with help from family or

friends. In many facilities provisions for sanitation, ventilation, lighting, and access to potable water were inadequate.

Most prison facilities were of antiquated construction, without the capacity to control indoor temperatures. A system existed for basic and emergency medical care, but it did not always function effectively. Prisoners sometimes also had to pay bribes, and bureaucratic procedures slowed access to medical care. Foreign prisoners often remained in prison long after completion of their sentences because they were unable to pay for deportation to their home countries.

There were several reports of prison riots during the year. Grievances that provoked the riots included overcrowding, deprivation of legal rights, slow disposition of cases, behavior of the jail administration, and lack of facilities. On March 16, the Daily Times reported that at least seven prisoners were killed and 30 persons (including police) were injured when prisoners in Hyderabad Central Jail fought with jail administration officials. Protesting prisoners climbed onto the rooftops of their barracks and complained about the blockage of water, gas, and electricity.

Minority prisoners generally were afforded poorer facilities than Muslims and often suffered violence at the hands of fellow inmates. Christian and Ahmadi communities claimed that their members were more likely to be abused in prison. The Center for Legal Aid and Assistance reported that conditions were often worse for those prisoners accused of violating the blasphemy laws.

According to an August 2010 report in Dawn, all 32 jails in Punjab Province faced acute overcrowding. Official figures indicated that these jails operated at 40 percent over capacity during the year. As of April 2, 53,208 prisoners were in Punjab's 32 prisons, which had an authorized capacity of 21,527 inmates. According to Punjabi prisons department officials, overcrowding not only caused security, accommodation, and health problems for inmates but also adversely affected the general administration of jails.

In KP province there were 8,582 prisoners, with an official capacity of approximately 8,340, according to the KP inspector general of prisons. During a Senate committee meeting on May 17, Senator Azam Khan Swati said that there seemed to be no effort by the government to release detainees who had completed their sentences years ago. The National Judicial Policy Making Committee noted that, after the implementation of the 2009 national judicial policy aimed at speeding up the process of court hearings and deciding cases, in Sindh the number of jail inmates was reduced from 20,000 to 13,464.

Police often did not segregate detainees from convicted criminals. Prisoners with mental illness usually lacked adequate care and were not separated from the general prison population.

Prison officials often kept juvenile offenders in the same facilities as adults but in separate barracks. Nevertheless, at some point during their imprisonment, children were mixed with the general prison population. Often children were subject to abuse, rape, and violence from other prisoners and prison staff.

According to the Society for the Protection of the Rights of the Child (SPARC), the bulk of juvenile prisoners were kept in Punjab's 29 prisons. At the end of May there were 725 child prisoners in Punjab; 103 were convicted, and 622 were in the trial process. By July there were 1,056 juvenile prisoners in the trial process and 161 convicted juveniles in the country's four provinces. SPARC stated that juvenile prisoners were among the worst off in the country. The jail conditions in which they were held were extremely poor. Many spent longer periods behind bars because they were unable to pay bail. Rather than being rehabilitated, the majority of child prisoners became hardened criminals by spending long periods in the company of adult prisoners.

Juveniles accused of terrorism or narcotics offenses were not protected under the Juvenile Justice System Ordinance. SPARC reported that children as young as age 12 were arrested under the Antiterrorism Act for terrorism. Children convicted under the act could be sentenced to death, although no case existed of a child being executed under the act.

Women were held in separate spaces from men in some, but not all, prisons. There were many reports of violence against women and rape in the prisons.

The 18th amendment to the constitution mandated that religious-minority prisoners be given places to worship inside jails. It was not clear whether this law was implemented.

There is an ombudsman for detainees, with a central office in Islamabad and one in each province. Although a complaint system existed for prisoners to submit grievances, it did not function effectively. Inspectors general of prisons visited prisons and detention facilities to monitor conditions, but visits were not regular. According to government officials, this system was based on complaints filed by individuals reporting misbehavior of civil servants.

According to SHARP, by law prison authorities must permit prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhuman conditions. After submitting a complaint, an inmate must remain in the same prison with the same prison authorities. Therefore, although there were many problems and an available channel for complaints, prisoners often remained silent to avoid confrontation with the jail authorities.

The International Committee of the Red Cross (ICRC) reported great difficulty in accessing detention sites, in particular those holding security-related detainees. In July 2010 the ICRC suspended prison visits in Punjab because it could no longer have regular access to detainees in that region.

Despite ongoing dialogue with the government, authorities did not authorize ICRC visits to any detention sites in the provinces most affected by violence—KP, FATA, and Balochistan. However, the governments of Sindh, Gilgit-Baltistan, and Pakistan-administered Kashmir permitted the ICRC to conduct independent monitoring in civil prisons. ICRC delegates made confidential reports on their findings, offered recommendations to authorities, and, where relevant, initiated water-sanitation improvement projects.

Authorities at the local, provincial, and national levels permitted some human rights groups and journalists to monitor prison conditions for juveniles and female inmates.

According to SHARP the government did little to improve conditions in detention facilities and failed to monitor existing conditions. As a result the situation appeared to deteriorate.

d. Arbitrary Arrest or Detention.—The law prohibited arbitrary arrest and detention, but authorities did not always comply. This problem was compounded by widespread corruption.

Role of the Police and Security Apparatus.—Police have primary internal security responsibilities for most of the country. By law control of local police falls under the Ministry of Interior. The Rangers are a paramilitary organization under the authority of the Ministry of Interior, with branches in Sindh and Punjab. The armed forces are responsible for external security. At times during the year they also were assigned domestic security responsibilities.

The Frontier Crimes Regulations (FCR) provide the framework for law and order in FATA. The FCR has long been criticized for several harsh and inhuman provisions, some of which were mitigated when President Zardari amended the FCR on August 12. Major changes in the FCR related to banning the collective responsibility of a tribe, restricting the arbitrary nature of the powers of political agents or district coordination officers, and granting citizens the right to challenge the decisions of political agents in courts.

The FCR is implemented through a political agent who reports to the president through the KP governor. In lieu of police, multiple law enforcement entities operated in FATA. These included the paramilitary Frontier Scouts, which report to the Ministry of Interior in peacetime and the army in times of conflict; the Frontier Constabulary, which patrols the area between FATA and KP; levies, which operate in FATA and report to the political agent; khassadars (hereditary tribal police), which help the political agent maintain order; and lashkars (tribal militias), which are convened by tribal leaders to deal with temporary law and order disturbances.

Police effectiveness varied greatly by district, ranging from reasonably good to ineffective. Some members of the police committed human rights abuses or were responsive to political interests.

Frequent failure to punish abuses contributed to a climate of impunity. Police and prison officials frequently used the threat of abuse to extort money from prisoners and their families. The inspectors general, district police officers, district nazims (chief elected officials of local governments), provincial interior or chief ministers, federal interior minister, prime minister, or courts can order internal investigations into abuses and order administrative sanctions. Executive branch and police officials can recommend, and the courts can order, criminal prosecution. These mechanisms sometimes were used.

The court system remained the only means available to investigate abuses by security forces.

Police often failed to protect members of religious minorities, including Christians, Ahmadis, and Shia Muslims, from attacks.

There were improvements in police professionalism during the year. As in previous years, the Punjab provincial government conducted regular training and retraining in technical skills and protection of human rights for police at all levels.

Arrest Procedures and Treatment While in Detention.—A First Information Report (FIR) is the legal basis for any arrest. Police ability to initiate an FIR is limited, but for certain crimes the police may initiate an FIR. Often a different party must file the FIR, depending on the type of crime, not whether there is reasonable proof of a crime. An FIR allows police to detain a suspect for 24 hours, after which a magistrate can order detention for an additional 14 days if police show that the detention is material to their investigation. In practice some authorities did not observe these limits on detention. There were reports that authorities filed FIRs without supporting evidence to harass or intimidate detainees or did not file them when adequate evidence was provided unless the complainant paid a bribe.

Individuals frequently had to pay bribes to visit a prisoner. Foreign diplomats could meet with prisoners when they appeared in court and could usually meet with citizens of their countries in prison, although government officials sometimes delayed access.

Arbitrary Arrest.—There were reports that some police detained individuals arbitrarily without charge or on false charges to extort bribes for their release. There were reports that some police also detained relatives of wanted individuals to compel suspects to surrender (also see section 1.f.).

Pretrial Detention.—Police routinely did not seek a magistrate's approval for investigative detention and often held detainees without charge until a court challenged the detention. When requested, magistrates approved investigative detention without requiring further justification. In cases of insufficient evidence, police and magistrates sometimes colluded to issue new FIRs, thereby extending detention beyond the 14-day period.

The district coordination officer may recommend preventive detention for as long as 90 days to the provincial home department and, with the approval of the Home Department, can extend it for an additional 90 days. The law stipulates that detainees must be brought to trial within 30 days of their arrest.

The law defines bailable and nonbailable offenses. On April 18, President Zardari signed the Code of Criminal Procedure (Amendment) Bill, 2011, which grants statutory bail to prisoners undergoing trial and to convicts whose trials and appeals are pending over a prescribed time limit. Under the law prisoners undergoing trial are entitled to statutory bail if charged with any offense not punishable by death and if they have been detained for one year. In the case of an offense punishable by death, the accused is eligible for statutory bail if the trial has not been concluded in two years.

Judges sometimes denied bail at the request of police or the community, or upon payment of bribes. In some cases trials did not start until six months after the FIR, and in some cases individuals remained in pretrial detention for periods longer than the maximum sentence for the crime with which they were charged. SHARP estimated that in 2010 approximately 55 percent of the prison population was awaiting trial. This situation remained unchanged due to a lack of change in the judicial system. The high number of inmates awaiting trial remained a large burden on the country's jails. In some cases detainees were informed promptly of charges brought against them.

NGOs reported that bail sometimes was denied in blasphemy cases under the premise that, because defendants faced the death penalty, they were likely to flee.

Special rules apply to cases brought to court by the National Accountability Bureau (NAB), which under the law established courts for corruption cases. Suspects may be detained for 15 days without charge (renewable with judicial concurrence) and, prior to being charged, may be deprived of access to counsel. During the year the NAB rarely exercised this power. All offenses under the NAB are nonbailable, and only the NAB chairman has the power to decide whether to release detainees.'

Antiterrorism courts had the discretion not to grant bail for some charges if the court had reasonable grounds to believe the accused was guilty.

Under the FCR in FATA, political agents had legal authority to detain individuals preventively, and require "bonds" to prevent undesired activity. In August the FCR was amended to exempt women over age 65 and children below age 16 from collective punishment. Collective punishment is applied incrementally, starting with the first immediate male family members, followed by the subtribe, and continuing outward. Although this reduces its scope, the FCR still assigns collective punishment without regard to individual rights. Human rights NGOs expressed concern about the concept of collective responsibility, as authorities used it as a pretext to detain members of fugitives' tribes, demolish their homes, confiscate or destroy their property, or lay siege to a fugitive's village pending his surrender or punishment by his own tribe in accordance with local tradition.

Under the amended FCR, indefinite detention is not allowed, and appeals can be made before the FCR tribunal. If wrongfully punished, prisoners have the right to compensation. Cases must be decided within a specified period of time, and arrested persons can be released on bail. Prisoners must be brought before the FCR authorities within 24 hours of detention, curtailing the arbitrary right of political agents to arrest and hold persons for up to three years. The accused have the right of appeal via a two-tiered system, which starts with an appellate authority composed of a commissioner and an additional judicial commissioner.

Under the FCR in FATA and the Provincially Administered Tribal Areas (PATA), security forces may restrict the activities of terrorism suspects, seize their assets for up to 48 hours, and detain them for as long as one year without charges. Human rights and international organizations reported that an unknown number of individuals allegedly affiliated with terrorist organizations were held indefinitely in preventive detention, tortured, and abused. In many cases these prisoners were held incommunicado and were not allowed prompt access to a lawyer of their choice; family members often were not allowed prompt access to detainees.

The Actions in Aid of Civil Power Regulation 2011, which came into force on June 23, grants wide powers to the military. The regulation allegedly responded to the need for a permanent federal statute to regulate the armed forces when called upon in aid of civil power in order to give them legal authority to handle detainees under civilian supervision. Retroactive to 2008, the regulation empowers the KP governor in the FATA, and the KP government in the PATA, to direct the armed forces to intern suspected terrorists. Critics said that the regulation violated the country's constitution because, among other things, it empowers the armed forces to occupy property, makes statements or depositions by military officers sufficient to convict an accused, and makes all evidence collected, received, or prepared by the interning authority both admissible and dispositive of guilt. Others noted that the regulation establishes a legal framework where none previously existed, prohibits the abuse or misuse of force by the military, and allows for more transparent treatment of detainees by requiring registration upon apprehension and providing a legal process for transfer of detainees from military to civilian authorities for prosecution. It also creates an appeals process for detainees and their relatives and, importantly, limits the powers of the armed forces in administering the regulation. Reports in November and December indicated that transfers of detainees had begun.

Amnesty.—On November 25, the Supreme Court dismissed the government's review petition against its ruling declaring the National Reconciliation Ordinance (NRO) illegal. The petition was heard by a 17-judge full court headed by Chief Justice Iftikhar Mohammad Chaudhry. In 2007 then president Musharraf promulgated the NRO to provide an amnesty mechanism for public officeholders who were accused but not convicted of corruption, embezzlement, money laundering, murder, and terrorism between January 1, 1986, and October 2, 1999. The Supreme Court struck down the NRO in 2009.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, but in practice the judiciary often was subject to external influences, such as fear of reprisal in terrorism cases. In nonpolitical cases the media and the public generally considered the high courts and the Supreme Court credible.

There were extensive case backlogs in the lower and superior courts, as well as other problems that undermined the right to effective remedy and the right to a fair and public hearing. Delays in justice in civil and criminal cases arose due to antiquated procedural rules, weak case management systems, costly litigation to keep a case moving in the system, and weak legal education. According to Chief Justice Iftikhar Chaudhry, at the start of the new judicial year on September 12, 19,323 cases were pending before the Supreme Court. A total of 1.4 million cases were pending in the entire judicial system.

The jurisdiction of the Supreme Court and the high courts does not extend to several areas that operate under separate judicial systems. For example, Azad Kashmir has its own elected president, prime minister, legislature, and court system independent of the country's judiciary. Gilgit-Baltistan also has a separate judicial system.

Many lower courts remained corrupt, inefficient, and subject to pressure from prominent wealthy, religious, and political figures. The politicized nature of judicial promotions increased the government's control over the court system. Unfilled judgeships and inefficient court procedures continued to result in severe backlogs at both the trial and appellate levels.

Informal justice systems lacking the legal protections of institutionalized justice systems continued, especially in rural areas, and often resulted in human rights violations. Feudal landlords and other community leaders in Sindh and Punjab, and

tribal leaders in Pashtun and Baloch areas, continued to hold local council meetings (known as panchayats or jirgas), at times in defiance of the established legal system. Such councils settled feuds and imposed tribal penalties on perceived wrongdoers, including fines, imprisonment, or even the death penalty. Women often were sentenced to violent punishments or death for "honor"-related crimes (see section 6). In Pashtun areas, primarily located in FATA, such councils were held under the outlines of the FCR. Assistant political agents, overseen by political agents and supported by tribal elders of their choosing, are legally responsible for justice in FATA and conduct hearings according to Islamic law and tribal custom. Under the pashtunwali code of conduct, a man, his family, and his tribe are obligated to take revenge for wrongs, real or perceived, to redeem their honor. Frequently disputes arose over women and land. They often resulted in violence.

The traditional settling of family feuds in tribal areas, particularly those involving killing, could result in giving daughters of the accused in marriage to the bereaved. Many tribal councils instituted harsh punishments, such as the death penalty, "honor killings," or watta-satta marriages (exchange of brides between clans or tribes). The Sindh Minister for Human Rights, Nadia Gabol, called for a ban on jirgas in July 2010; however, there was no progress on this matter.

The AHRC reported that since 2002 more than 4,000 individuals, two-thirds of them women, have died by order of jirga courts in the country. Although the superior courts declared these rulings illegal, the AHRC reported that some of those involved in implementing jirgas were members of parliament.

Trial Procedures.—The civil, criminal, and family court systems provide for public trial, presumption of innocence, cross-examination by an attorney, and appeal of sentences. There are no trials by jury. Although defendants have the right to be present and consult with an attorney, courts appointed attorneys for indigents only in capital cases. Defendants bear the cost of legal representation in lower courts, but a lawyer can be provided at public expense in appellate courts. Defendants can confront or question witnesses brought by the prosecution and present witnesses and evidence on their behalf. Defendants and attorneys have legal access to government-held evidence relevant to their cases. Due to the limited number of judges, a heavy backlog of cases, lengthy court procedures, frequent adjournment, and political pressure, cases routinely lasted for years, and defendants had to make frequent court appearances.

SPARC stated that juvenile prisoners were subject to a slow process due to a lack of special juvenile courts or judges, and it concluded that a fair and just juvenile justice system did not exist in the country.

The Anti-Terrorism Act allows the government to use special streamlined courts to try persons charged with violent crimes, terrorist activities, acts or speech designed to foment religious hatred, and crimes against the state. After arrest, suspects must be brought before the antiterrorism courts within seven working days, but the courts are free to extend the period. Human rights activists criticized the expedited parallel system, charging it was more vulnerable to political manipulation.

Cases under the Hudood Ordinance (a law enacted in 1979 by the military ruler Zia-ul-Haq to implement Islamic law by enforcing punishments mentioned in the Qur'an and Sunnah for extramarital sex, false accusation of extramarital sex, theft, and drinking of alcohol) are appealed first to the Federal Shariat Court. The Supreme Court has ruled that in cases in which a provincial high court decides in error to hear an appeal in a Hudood case, the shariat courts lack authority to review the provincial high court's decision. The Shariat Appellate Bench of the Supreme Court is the final court of appeal for shariat court cases. The Supreme Court may bypass the Shariat Appellate Bench and assume jurisdiction in such appellate cases. The shariat courts may overturn legislation they judge inconsistent with Islamic tenets, but such cases are appealed to the Shariat Appellate Bench of the Supreme Court and ultimately may be heard by the full bench of the Supreme Court.

Courts routinely failed to protect the rights of religious minorities. Judges sometimes were pressured to take action against perceived offenses to Sunni orthodoxy. For example, the judge who upheld a sentence against Governor Taseer's murderer was threatened, had his offices ransacked, and ultimately fled to Saudi Arabia.

Laws prohibiting blasphemy continued to be used discriminatorily against Muslims, Christians, Ahmadis, and members of other religious groups. Lower courts often did not require adequate evidence in blasphemy cases, and some accused and convicted persons spent years in jail before higher courts eventually overturned their convictions or ordered them freed.

In 2009 Muslim villagers accused a Christian woman, Aasia Bibi, of blasphemy after a dispute at work. Police arrested Bibi, and she was denied bail under the blasphemy laws. In November 2010 a court sentenced Bibi to death for her crime,

the first woman sentenced to death for blasphemy. The verdict in the case touched off a massive debate within the country about the blasphemy laws, with religious extremists calling for her execution and more moderate voices calling for her pardon or an appeal of the guilty verdict. At year's end Bibi was waiting for her appeal to be heard at the Lahore High Court (also see the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt.)

Political Prisoners and Detainees.—Some Sindhi and Baloch nationalist groups claimed their members were marked for arrest and detained based on their political affiliation or beliefs. Under the 2009 Aghaz-e-Huqooqe Balochistan package (which was intended to address the province's political, social, and economic problems), the government announced a general amnesty for all Baloch political prisoners, leaders, and activists in exile, as well as those allegedly involved in "antistate" activities, dropping all cases against Baloch leaders. Despite the amnesty some Baloch groups claimed that the illegal detention of nationalist leaders by state agencies continued.

According to the JSQM, during the year authorities arrested between 30 and 40 Sindhi nationalists from several parties who remained missing at year's end. Some nationalist parties in Sindh, including the JSQM, claimed that their members remained in the custody of government agencies.

Civil Judicial Procedures and Remedies.—Persons may petition the courts to seek redress for various human rights violations, and courts often took such actions. Individuals may seek redress in civil courts against government officials, including on grounds of denial of human rights in civil courts. Observers reported that civil courts seldom, if ever, issued official judgments in such cases, and most cases were settled out of court. Although there were no official procedures for administrative redress, informal reparations were common.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law requires court-issued search warrants for property but not for persons. Police sometimes ignored this requirement and at times stole items during searches. Police seldom were punished for illegal entry. Sometimes police detained family members to induce a suspect to surrender (see section 1.d.). In cases pursued under the Antiterrorism Act, security forces were allowed to search and seize property related to the case without a warrant.

Several domestic intelligence services monitored politicians, political activists, suspected terrorists, and the media. These services included the Inter-Services Intelligence agency (ISI), the police Special Branch, and Military Intelligence. Credible reports indicated that authorities routinely used wiretaps and intercepted and opened mail without the requisite court approval. NGOs suspected that authorities monitored mobile phones and electronic correspondence.

Although the government generally did not interfere with the right to marry, local officials on occasion assisted influential families in preventing marriages to which the families were opposed. The government also failed to prosecute cases in which families punished members (generally women) for marrying or seeking a divorce against the wishes of other family members.

NGOs alleged that intelligence personnel often harassed family members of Baloch nationalists. Collective punishment, which involved detention of relatives or members of the same tribe, took place in FATA under the FCR (see section 1.d.).

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—During the year militant and terrorist activity continued in different areas of KP and FATA, and there were numerous suicide and bomb attacks in all four provinces and FATA. Militants and terrorist groups, including the TTP, a militant umbrella group, targeted civilians, journalists, schools, community leaders, security forces, and law enforcement agents, killing hundreds and injuring thousands with bombs, suicide attacks, and other forms of violence. Militant and terrorist groups often attacked religious minorities. A low-level insurgency continued in Balochistan.

The government implemented some measures to protect the population. The government also took actions to weaken terrorist ties around the country and prevent recruitment by militant organizations. For example, law enforcement agencies reported the seizure of large caches of weapons in urban areas such as Islamabad and Karachi. Police arrested Karachi gang members and TTP commanders who provided logistical support to militants in the tribal areas. Police arrested would-be suicide bombers in major cities of the country, confiscating weapons, suicide vests, and attack planning materials. The government continued to operate a center in Swat to rehabilitate and educate former child soldiers.

Poor security, intimidation by security forces and militants, and the control the government and security forces exercised over access by nonresidents to FATA continued to make it difficult for human rights organizations and journalists to report on military abuses in the region.

Political, sectarian, and ethnic violence in Karachi worsened during the year. The tenuous balance between political parties and the ethnic and sectarian groups they represent was broken by significantly altered demographics in the city. The 2005 earthquake that devastated the North and the 2010 floods that affected seven million Sindhis resulted in a large influx of citizens from different ethnic groups to Karachi. Although there was no precise total of new city residents, the growth of illegal settlements, both within the city and along its outskirts, suggested a tremendous rise in Sindhi, Baloch, and Pashtun migrants. Political parties and their affiliated gangs vied for political and economic control of these new populations by independently assessing their "allegiances." The parties engaged in a turf war over "bata" (extortion) collection privileges and "ownership" over katchi abadis (illegal/makeshift settlements). The flashpoints of violence in Karachi were Lyari, Orangi, Katti Pahari, Qsba Colony, Pak Colony, and Shah Faisal Colony. HRCP estimated that between 925 and 1,400 persons died in sectarian and political violence between January and August.

Killings.—During the year there were reports of civilian casualties and extrajudicial killings committed by government security forces during operations against militants. On April 9, Interior Minister Rehman Malik informed the Senate that in the preceding two years, in 2,488 acts of terrorism, as many as 3,169 persons were killed and 9,479 others injured. Between January and December, 2,489 civilians and 735 security personnel were killed as a result of terrorist attacks across the country.

Militant and terrorist bombings in all four provinces and in FATA resulted in hundreds of deaths and thousands of injuries. According to the South Asia Terrorism Portal, during the year terrorist and extremist attacks and operations to combat terrorism and extremism resulted in 6,142 deaths, of which nearly 2,580 were civilians, more than 765 were security forces, and more than 2,797 were terrorists or insurgents. There were also reports of attacks on civilians in Balochistan by groups prohibited by the government.

On September 7, at least 28 persons, including an FC colonel and the wife of the FC deputy inspector general (DIG), were killed in two suicide attacks outside the official residence of the DIG in Quetta, Balochistan. The DIG, Brigadier Farrukh Shahzad, and 16 FC personnel were among 82 persons injured in the attacks.

On March 10, the Daily Times reported that a suicide bomber blew himself up at funeral prayers in Peshawar, killing 37 persons and injuring more than 50. The target was a group of more than 200 members of an anti-Taliban militia who had gathered to offer the funeral prayers for the wife of a known anti-Taliban militiaman.

Abductions.—During the year there were reports of civilians kidnapped or taken hostage by militant groups in FATA, KP, Punjab, and Balochistan. On September 3, the TTP claimed responsibility for kidnapping 27 young men in Bajaur Agency and keeping them captive in Afghanistan's Kunar Province. The TTP demanded the release of scores of prisoners and an end to tribal elders' support of offensives against them.

On March 30, unidentified armed men kidnapped lawyer Farzand Ali from the Surab area. According to the Daily Times, the lawyer, a resident of Usta Muhammad, Jaffarabad, was going to Karachi from Quetta in his car when unidentified armed men stopped his vehicle, pulled him out at gunpoint, and kidnapped him.

In August two high-level kidnappings were reported in Lahore, Punjab. On August 14, American national Warren Weinstein, age 70, was taken from his home in Lahore. On August 26, armed gunmen took Shabhaz Taseer, son of slain Punjab governor Salmaan Taseer, from his car in Lahore. On December 1, al-Qaida claimed responsibility for Weinstein's abduction.

Child Soldiers.—Nonstate militant groups kidnapped boys and girls and used fraudulent promises to coerce parents into giving away children as young as age 12 to spy, fight, or die as suicide bombers. The militants sometimes offered parents money, often sexually and physically abused the children, and used psychological coercion to convince the children that the acts they committed were justified. On June 20, security forces took into custody a nine-year-old would-be suicide bomber at Darra Islam check post in Lower Dir and were informed by the girl that militants from Peshawar kidnapped her for the purpose of carrying out a suicide attack.

Other Conflict-related Abuses.—A September 26 report by the HRCP Khyber Pakhtunkhwa chapter for the year 2009-10 stated that the second most serious impact of militant attacks in tribal areas was on health facilities for women. The report stated that almost 80 hospitals were attacked by the militants and military operations against them, and it noted that of 13 sanctioned posts for gynecologists in

tribal areas, 10 were vacant and female health staff were reluctant to perform duty in the region due to growing militancy.

On September 21, militants attacked an ambulance that was carrying persons injured in an attack on Shias in Quetta, killing three more persons.

On June 14, armed men took over a major private hospital, Liaquat National Hospital, in Karachi. They fired shots inside the health facility, ransacked its offices, and forced the administration to suspend several services, including the emergency unit.

On July 6, security forces started demolishing a private hospital in Miranshah, FATA, used by the TTP and other militants, one day after a nearby bomb attack killed three troops and wounded 15.

Militants bombed government buildings and attacked and killed female teachers. The TTP particularly targeted girls' schools to demonstrate its opposition to girls' education; however, the TTP also destroyed boys' schools. Military operations created hardships for the local civilian population when militants closed key access roads and tunnels and attacked communications and energy networks, disrupting commerce and food and water distribution.

In KP elected civilian government officials and their families, especially those representing the ANP, were major targets of attacks.

As a result of militant activity and military operations in KP and FATA that began in 2008 and continued throughout the year, large population displacements occurred. Although an estimated 1.9 million conflict-affected persons returned home during the past two years, there were still more than one million internally displaced persons (IDPs) living with host communities, in rented accommodations, or in camps at the beginning of the year. The government and U.N. agencies such as the Office of the U.N. High Commissioner for Refugees (UNHCR) and UNICEF collaborated to provide assistance and protection to those affected by the conflict and to assist in their return home (see section 2.d.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The law provides for freedom of speech and press. However, threats, harassment, violence, and killings led journalists and editors to practice self-censorship.

Freedom of Speech.—The government impeded criticism by monitoring political activity. Citizens could criticize the government publicly or privately; however, they were restricted when criticizing the military. Blasphemy laws restricted individuals' right to free speech concerning matters of religion and religious doctrine. According to the constitution, every citizen has the right to free speech, subject to "any reasonable restriction imposed by law in the interest of the glory of Islam" or the integrity, security, or defense of the country.

Freedom of the Press.—The independent media was active and expressed a wide variety of views; journalists often criticized the government. Previously unreported events, such as persecution of minorities, were covered; however, journalists were restricted when criticizing or questioning the role of the military. Section 99 of the penal code allows the government to restrict information that might be prejudicial to the national interest. An increase in threats and violence against journalists who reported on sensitive issues such as security force abuses was observed during the year. The government also impeded criticism by monitoring political activity and controlling the media.

There were numerous independent English, Urdu, and regional language daily and weekly newspapers and magazines. To publish within Azad Kashmir, owners of newspapers and periodicals had to obtain permission from the Kashmir Council and the Ministry of Kashmir Affairs. The Ministry of Information and Broadcasting controlled and managed the country's primary wire service, the Associated Press of Pakistan, the official carrier of government and international news to the local media. The military had its own media-monitoring wing within Inter Services Public Relations, the military's public relations department. The government-owned and -controlled Pakistan Television (PTV) and Pakistan Broadcasting Corporation operated radio stations throughout the country. The law does not extend to FATA or PATA, and independent radio stations were allowed to broadcast in FATA with the permission of the FATA Secretariat.

There were instances in which the government shut down private television channels and blocked certain media outlets from broadcasting. The broadcasters asserted that the language of broadcast laws was vague, leading to instances of abuse and arbitrary broadcast restrictions by the Pakistan Electronic Media Regulatory Authority (PEMRA). The NGO Intermedia reported that PTV did not operate under the purview of the law and benefitted from a monopoly on broadcast license fees.

According to Freedom House, authorities used the PEMRA rules to silence the broadcast media either by suspending licenses or threatening to do so.

Private cable and satellite channels broadcast domestic news and were critical of the government, despite some self-censorship. Private radio stations existed in major cities, but their licenses prohibited news programming. Some channels evaded this restriction by discussing news in talk shows. International radio broadcasts, including the BBC and the Voice of America, were normally available, but sometimes PEMRA shut them down for periods of time, and starting November 29, BBC broadcasts were blocked.

Violence and Harassment.—During the year security forces, political parties, militants, and other groups subjected media outlets and journalists and their families to violence and harassment. Journalists were abducted. Media outlets that did not practice self-censorship were often the targets of retribution.

According to the Committee to Protect Journalists, seven journalists were killed between January and December for reporting on sensitive topics. Reporters Without Borders reported nine journalists were killed and two imprisoned. During the year a number of journalists were also reportedly subjected to physical attack, harassment, intimidation, kidnapping, or other forms of pressure.

On May 29, journalist Saleem Shahzad was abducted in Islamabad. His tortured body was discovered on May 31. He reportedly received threats from the ISI about his article in Asia Times Online linking the navy with al-Qaida. A judicial inquiry into his death continued at year's end; nonprofit organizations and other observers suspected government involvement in his killing.

On June 19, the Guardian reported that Waqar Kinai, its correspondent in Islamabad, was beaten badly by uniformed men who said that they wished to "make an example" of him after he published an account of abduction and torture by suspected government intelligence agents.

Censorship or Content Restriction.—The few small, privately owned wire services and media organizations generally practiced self-censorship, especially in news reports involving the military. Private cable and satellite channels also practiced self-censorship at times. The government continued to restrict and censor some published material, while blasphemy and anti-Ahmadi laws restricted publication on certain topics. Foreign books needed to pass government censors before being reprinted, but there were no reports of book bans during the year. Books and magazines could be imported freely but were subject to censorship for objectionable sexual or religious content. Obscene literature, a category the government defined broadly, was subject to seizure.

On November 14, the government ordered all cell phone operators to filter and block text messages passing through their systems that contained certain vulgar English and transliterated Urdu words. Cell phone operators were given seven days to comply with this ruling, but on the eve of the deadline, the largest telecoms operators in the country announced that the government agreed to delay implementation until all parties involved could reach a mutual agreement regarding the enforcement of the ruling. The order was not implemented by year's end.

In September a jirga of the Basikhel tribe, which forms half of the total population of Torghar District, KP, imposed a ban on the use of cell phones with cameras in its territory. In so doing it followed the example of the Madakhel tribe, which imposed a similar ban after a man was killed in June for taking a picture of a local woman.

Publishing Restrictions.—Foreign magazines and newspapers were available. There were few restrictions on international media, with the important exception of a complete blockade of Indian television news channels.

Nongovernmental Impact.—Militants and criminal elements killed, kidnapped, beat, and intimidated journalists and their families, leading many to practice self-censorship. Conditions for reporters covering the conflict in FATA, KP, and Balochistan remained difficult, with a number of correspondents detained, threatened, expelled, or otherwise prevented from covering events there by militant or local tribal groups. In a number of instances, militants attacked journalists' homes in retaliation for their reporting.

Internet Freedom.—Individuals and groups could express their views freely via the Internet and by e-mail. However, there were reports of some restrictions on Internet access and reports that the government monitored Internet use, some e-mail, and Internet chat rooms. According to a Freedom House report, the government justified politically motivated restrictions on Internet freedom as necessary for security purposes. There were also reports that the government attempted to control some Web sites, including extremist and proindependence Baloch Web sites. The provincial

government in Balochistan blocked access to a Baloch human rights blog run by journalists.

The law creates a number of offenses involving the misuse of electronic media and systems and the use of such data in other crimes. It also stipulates that cyberterrorism resulting in a death is punishable by the death penalty or life imprisonment.

On September 19, the Lahore High Court ordered the Ministry of Information Technology to block access to all Web sites "spreading religious hatred." The ruling came out of a case seeking a permanent ban on Facebook for hosting a competition of what were considered blasphemous caricatures of the prophet Mohammed. Facebook remained accessible at year's end.

While Google, YouTube, and Skype were accessible at year's end, on September 18, the local and international press reported that the interior minister announced that the government reserved the right to ban such Web sites and programs if they refused to assist the Federal Investigative Agency (FIA) in investigating crimes and terrorism.

The Pakistan Telecommunications Authority (PTA) is responsible for the establishment, operation, and maintenance of telecommunications and possesses complete control over all content broadcast over telecommunications channels. In July the PTA ordered Internet service providers (ISPs) to report if customers were using virtual private networks (VPNs) and voice-over-Internet protocol (VOIP) to browse the Web or communicate. The PTA insisted that the ban on VPN access was intended to shut down illegal call centers and enable authorities to monitor potentially criminal behavior. At year's end VPNs and VOIP were both accessible.

Restrictions on Internet traffic were enforced during the year. Citing blasphemy laws, the PTA banned Internet users from accessing popular social networks, such as Facebook, after a user launched a contest to draw a cartoon of the Prophet Muhammad. The ban was enforced only sporadically. The restrictions also made it impossible for persons to access the Web site for Rolling Stone magazine after it published an article on the high proportion of the country's national budget apportioned to its military. The story quoted a column written in the New York Times that questioned military spending when more resources needed to be directed to fight militants and insurgent groups. Since it was not possible to block specific URLs on Web sites, the whole domain was offline to readers beginning in July. In November the press reported that the PTA also asked ISPs to block access to more than 1,000 pornographic Web sites; the PTA was compiling a list of an additional 170,000 sites to ban.

Academic Freedom and Cultural Events.—The government generally did not restrict academic freedom. However, members of student organizations, typically with ties to political parties, fostered an atmosphere of violence and intolerance that limited the academic freedom of fellow students. On some university campuses in Karachi, armed groups of students, most commonly associated with the All Pakistan Mutahidda Students Organization (affiliated with the Muttahida Qaumi Movement) and the Islami Jamiat Talaba (affiliated with Jamaat-e-Islam), clashed with and intimidated other students, instructors, and administrators over issues such as language, syllabus content, examination policies, grades, doctrines, and dress. These groups frequently influenced the hiring of staff, admissions to universities, and sometimes the use of institutional funds. They generally achieved such influence through a combination of protest rallies, control of campus media, and threats of mass violence. In response university authorities prohibited political activity on many campuses, but the ban had limited effect.

There was minor government interference with art exhibitions or other musical or cultural activities. The Ministry of Culture operated the Central Board of Film Censors, which previewed and censored sexual content in foreign and domestic films before exhibition in the country. In August a police station house officer reportedly beat a gallery owner and abused patrons because of their preferences in dress and art.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and freedom of association, subject to restrictions.

Freedom of Assembly.—Although the constitution provides for the freedom of assembly, in practice the government placed selective restrictions on it. By law district authorities can prevent gatherings of more than four persons without police authorization. The law permits the government to ban all kinds of rallies and processions, except funeral processions, for reasons of security.

Authorities generally prohibited Ahmadis from holding conferences or gatherings.

There were several successful protests, strikes, and demonstrations throughout Sindh, both peaceful and violent. Law enforcement agencies did not have the capac-

ity to intervene and prevent these gatherings. Karachi Electric Supply Company employees protested for nearly three months between May and July for the reinstatement of 4,500 employees the company dismissed in one day.

Freedom of Association.—The constitution provides for freedom of association subject to restrictions imposed by law. According to the now-dissolved Ministry of Social Welfare and Special Education, there were more than 100,000 NGOs working in the country; however, due to the fragmented legal and regulatory framework, the exact number of NGOs was not known.

During the year threats to civil society continued, with "softer targets" such as schools more frequently becoming a focus of attacks. On September 13, militants attacked a school bus in the suburbs of Peshawar, killing four children and the bus driver. On January 25, two workers of the NGO Balochistan Rural Support Program were shot and killed in the Ghanja Dori area of Mastung District in Balochistan.

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 for uninhibited foreign travel, emigration, and repatriation, but the government limited these rights in practice.

The government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, and other persons of concern.

In-Country Movement.—The government's restrictions on access to certain areas of FATA, KP, and Balochistan, often for security concerns, hindered the ability of humanitarian assistance providers to deliver aid to vulnerable populations.

Foreign Travel.—The law prohibits travel to Israel, and the country's passports include a statement that they are "valid for all countries except Israel." Government employees and students must obtain "no objection certificates" from the government before traveling abroad. This requirement rarely was enforced for students.

Persons on the Exit Control List (ECL) were prohibited from foreign travel. Although the ECL was intended to prevent those with pending criminal cases from traveling abroad, no judicial action was required for the Ministry of Interior to add a name to the ECL. The ECL sometimes was used to harass human rights activists or leaders of nationalist parties. Those on the list had the right to appeal to the courts for removal of their names.

Internally Displaced Persons (IDPs).—The government does not have laws to protect IDPs but implemented policies to assist them, meeting the U.N. Guiding Principles on Internal Displacement. Registration of women continued to be a problem. In more conservative regions of the country, particularly rural areas, authorities did not uphold or enforce a woman's right to be registered.

At the end of 2010 approximately 1.2 million persons, mostly originating from FATA, remained displaced in KP. During the year the number of IDPs fluctuated due to militant activity, military operations, and ongoing IDP returns to KP and FATA. As of November more than 853,000 persons remained displaced in the northwest.

The majority of conflict-affected IDPs resided with host families, in rented accommodations, or, to a lesser extent, in camps. The government continued to consolidate and close IDP camps during the year. Of the three remaining, Jalozai camp in Nowshera District of KP hosted the largest in-camp conflict-affected IDP population, with 32,499 residents as of December, mostly from Bajaur Agency.

Military operations in Mohmand Agency early in the year and in Kurram Agency in the summer contributed to the total number of conflict IDPs in the country. In Mohmand the combined number of IDPs registered in the two camps (Danish Kohl and Nahqi) established to host families displaced by the conflict exceeded 35,000 at its peak. As of December both camps were closed with the remaining displaced (624 families with 3,758 individuals) moved to Jalozai camp in Nowshera District. More than 13,000 displaced families were registered as displaced in Kurram, with 3,000 families housed in the New Durrani camp and the remainder with host families or in government buildings.

The government continued to facilitate voluntary returns to multiple agencies with support from the international humanitarian community. As of December the government reported that nearly 23,000 families returned to Orakzai, 68,000 families returned to Bajaur, 41,600 families returned to Mohmand, and 6,500families returned to South Waziristan.

The government required humanitarian organizations assisting civilians displaced by military operations to request nonobjection certificates (NOCs) to access

Mohmand and Kurram agencies in FATA. The requirement to obtain NOCs delayed by approximately one to two weeks the delivery of U.N. assistance to Mohmand and Kurram beneficiaries. The government established IDP camps inside the agencies where the military operations took place, despite the access and security concerns raised by humanitarian agencies. Humanitarian agencies providing assistance in the camps were exposed to the danger of travelling to and within FATA. There were no security incidents in the camps by year's end. U.N. agencies had access to the camps, and there were no reports of involuntary returns.

The government coordinated with the UNHCR the voluntary and safe return of IDPs. For IDPs who were not ready to return, the government coordinated support with the UNHCR and other international organizations. The World Food Program distributed food rations to IDPs displaced by conflict.

Heavy rainfall during the monsoon season affected more than five million persons, destroyed crops, and severely damaged thousands of homes in Sindh Province. An estimated 1.8 million persons were displaced to some 6,000 informal settlements during the height of the disaster. The Provincial Disaster Management Authority-Sindh led the relief efforts, with assistance from the National Disaster Management Authority, the Pakistani Red Crescent, and the armed forces. In contrast to the 2010 floods, the government initially believed that the Sindh monsoon floods, which started in early August, were within its capabilities. However, by September the government acknowledged that the disaster exceeded its capabilities and requested international assistance. On September 17, the U.N. and the government jointly released a Rapid Response Plan, requesting $357 million to address flood-related relief needs until March 2012. The government and the international humanitarian community, including the U.N. continued to discuss the development of a 12-month Early Recovery Framework. According to the Sindh Provincial Disaster Management Authority, as of December, 91 percent of displaced persons had returned to their areas of origin.

Protection of Refugees.—The country is a party to neither the 1951 U.N. Convention relating to the Status of Refugees nor its 1967 Protocol.

Access to Asylum.—No legislation provides for asylum or refugee status. The country lacks a legal and regulatory framework for the management of refugees and migration. Although there is no legislation excluding asylum seekers and refugees from the provisions of the law regarding illegal entry and stay or conferring legal status, the government in most cases provided protection against the expulsion or involuntary return of registered refugees to countries where their lives or freedom would be threatened. The country cooperated with the UNHCR in protecting, assisting, and voluntarily repatriating Afghan refugees.

Since 1979 the government provided temporary protection to millions of refugees from Afghanistan. According to the UNHCR, at year's end an estimated 1.7 million registered Afghan refugees remained in the country, while another 52,096 voluntarily repatriated to Afghanistan between March 1 and December 31. The government and the UNHCR agreed to continue voluntary repatriation throughout the year (voluntary repatriation season usually ends in November and restarts in March) and remained in discussions about opening two additional Voluntary Repatriation Centers in KP, for a total of four in the country. There were no credible estimates of how many Afghans were undocumented or unregistered, but estimates put the number at more than one million. The law states that anyone born in the country is a citizen. However, the courts' interpretation of this law was that the principle of birth in the country could not be read in isolation and independently of the other sections of the act concerning citizenship by descent in the case of the children of Afghan refugees. The courts decided that given the "temporary" nature of Afghans' presence in the country, the law would not be applied to the Afghan population, and Afghan children therefore were not granted Pakistani citizenship. Under the Secure Card for Afghan Citizens project, the National Database and Registration Authority (NADRA) issued birth certificates to 776, 683 Afghan children below the age of 18, identifying them as Afghan citizens.

The government cooperated with the UNHCR to conduct a Population Profiling Verification and Response (PPVR) exercise and an Afghan Citizens' Contribution to Economy study for Afghans in the country. The PPVR, completed in December, was intended to provide the government and the UNHCR detailed information about the socioeconomic conditions and needs of Afghans in the country. In March 2010 the cabinet approved the Management and Repatriation Strategy for Afghans in Pakistan 2010-12, which along with voluntary repatriation contemplated the possibility of legal alternative stay solutions for refugees, including such measures as the following: issuing 150,000 work permits to registered Afghans for students, businessmen or investors, and skilled laborers; granting permanent residency to Afghan ref-

ugees' female-headed households; issuing business permits to refugees who have invested more than 5 million rupees ($55,500); and encouraging Afghan students to continue or complete their studies in Pakistan. In March 2010 Prime Minister Gilani extended Proof of Registration (PoR, the official documents held by registered refugees that allow them to legally remain in Pakistan) status through December 2012. The government implemented some of the measures that the 2010-12 strategy contemplated, such as conducting a population profile, but had not implemented residency measures or issued work permits for Afghan refugees. The Ministry of States and Frontier Regions approved a pilot project for issuance of 1,000 visas to Afghan refugees during the year under four categories, (students, businessmen, skilled/unskilled workers, and female-headed households). However, at year's end the rights attached to these visas were under negotiation.

The government generally abstained from forcibly returning Afghans with PoR cards, although from January to early September it deported 17 PoR cardholders. Refugees' PoR was due to expire in December 2012. There also were credible allegations that the government deported between 50 and 60 unregistered Afghans per week.

According to the UNHCR, fewer than half of registered Afghan refugees lived in 83 refugee villages in KP (71), Balochistan (11), and Punjab (one). Nearly 60 percent of registered Afghans lived in urban areas. More than half of this population came from five provinces in Afghanistan: Nangarhar, Kabul, Kunduz, Logar, and Paktya.

Refugee Abuse.—Refugees faced societal discrimination and abuse from local communities, who resented economic competition and blamed refugees for high crime rates and terrorism. Single women, female-led households, and children working on the streets were particularly vulnerable to abuse and trafficking.

Police in many cases demanded bribes from refugees. There were credible reports that members of the intelligence services also harassed refugees. There were also many reports of extortion of refugees who participated in the UNHCR's voluntary repatriation process, since such refugees were known to receive repatriation grants ($150 in cash assistance per family member upon return to Afghanistan).

Employment.—Refugees were not allowed to work legally, but many worked as day laborers or in informal markets. Refugees often were exploited in the informal labor market. Refugee women and children were particularly vulnerable, accepting underpaid and undesirable positions in workplaces.

The government did not authorize the former residents of Azakhel, an Afghan refugee village in KP destroyed by the 2010 floods, to return to their destroyed village to rebuild it. The village stands on valuable land that land speculators sought to seize for development following the floods. By mid-July nearly 23,000 Afghans still were displaced from Azakhel, living in tents near the village or staying with relatives or in rented rooms. The UNHCR was assisting these families until the government authorized them to return to the village. The refugees did not regard alternative camp sites offered to them as viable for earning livelihoods.

Access to Basic Services.—Afghan refugees could avail themselves of the services of the police and courts, but some, particularly the poor, were afraid to do so. Any refugee registered with both the UNHCR and the government-run Commissionerate of Afghan Refugees is, in theory, able to obtain admission to public education facilities after filing the proper paperwork. In practice most registered Afghans attended private Afghan schools or schools sponsored by the international community. There were no reports of refugees being denied access to health facilities on the basis on nationality.

In many instances local governments or even individuals determined which rights and services Afghan refugees could use. For example, the governor of the State Bank decided that Afghans could not have bank accounts, but NADRA regularly verified for banks the identity of refugees who wished to open accounts.

Although there is no legislation specifically permitting Afghans to obtain a driver's license, Afghans drove a large percentage of the trucks in KP. Although there were a number of Afghan schools funded by foreign assistance, Afghan children usually had no problem attending the country's primary schools. For older students, particularly in cities, access was harder. Even Afghans who grew up in the country needed a student visa to attend the country's universities, but they qualified for student visas on the basis of their PoR cards.

Durable Solutions.—For the mainstreaming of refugee programs in the development and annual programs of U.N. agencies, the UNHCR signed memoranda of understanding with UNESCO, the World Health Organization, UNICEF, and the U.N. Entity for Gender Equality and the Empowerment of Women to strengthen partnerships in finding durable solutions for Afghan refugees. Under the Refugee Affected and Hosting Areas (RAHA) initiative, a joint initiative among the government, U.N.

and implementing partners under the framework of U.N. reforms in Pakistan, more than 575 projects had been completed since the RAHA initiative's launch in 2009, mainly in the provinces of Balochistan and KP, which were both home to high concentrations of Afghan refugees.

The government did not accept refugees for resettlement from other countries or facilitate local integration. While the government did not have a system to confer refugee status or asylum, it generally abstained from forcibly returning other foreigners with asylum certificates or refugee cards granted by the UNHCR, which had the responsibility of determining refugee status in the absence of government procedures.

Stateless Persons.—Statelessness continued to be an issue during the year. There is no national legislation on statelessness. International and national agencies estimated there were possibly thousands of stateless persons deriving from the breakup of India and Pakistan, and of Pakistan and Bangladesh.

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

The law provides the majority of citizens with the right to change their government peacefully, and the country held national and provincial elections in 2008 that brought opposition parties to power. Gilgit-Baltistan, Azad Kashmir, and FATA have different political systems, and of these only FATA had representation in the national parliament.

Residents of FATA are represented in the national parliament but do not have a voice in federal decision making over the tribal areas, an authority that belongs to the president. Tribal residents do not have the right to change their local government, because unelected civilian bureaucrats nominally ran the tribal agencies. The elected councils in FATA, set up in 2007 to provide local representation within the tribal areas, have not been given an active role in governing the tribal areas. In August President Zardari signed the Extension of the Political Parties Order 2002 to the Tribal Areas. Through this decree the government allows political parties to operate freely in FATA.

Azad Kashmir has an interim constitution, an elected unicameral assembly, a prime minister, and a president who is elected by the assembly. Both the president and legislators serve five-year terms. Of the 49 assembly seats, 41 are filled through direct elections, and eight are reserved seats (five for women and one each for representatives of overseas Kashmiris, technocrats, and religious leaders). However, the federal government exercised considerable control over the structures of government and electoral politics. Its approval is required to pass legislation, and the federal minister for Kashmir affairs exercised significant influence over daily administration and the budget. The Kashmir Council, composed of federal officials and Kashmiri assembly members and chaired by the federal prime minister, also holds some executive, legislative, and judicial powers. The military retains a guiding role on issues of politics and governance. Those who do not support Azad Kashmir's accession to Pakistan were barred from the political process, government employment, and educational institutions. They also were subject to surveillance, harassment, and sometimes imprisonment by security services.

Elections and Political Participation.—Recent Elections.—In 2008 the country held national parliamentary elections that brought former opposition parties into a coalition government led by the PPP under the leadership of Prime Minister Gilani. The elections were postponed multiple times, the last time due to the assassination of PPP leader Benazir Bhutto in 2007. In the 2008 indirect presidential election, Asif Ali Zardari, Bhutto's widower, became president, succeeding Pervez Musharraf, who had resigned. The broad coalition government was dissolved in 2009, leaving the PPP to govern with a smaller majority in league with several partners.

For the 2008 elections, the Election Commission of Pakistan (ECP) reportedly accredited approximately 25,000 domestic observers, the majority of whom were from the Free and Fair Election Network (FAFEN). The EU and Democracy International also observed. In 2008, for the first time in the country's history, the ECP released the certified results of the elections broken down by polling station, a step toward greater transparency. The government permitted all existing political parties to contest the elections; although several boycotted, the largest parties participated. International and domestic observers found the 2008 parliamentary election competitive and noted that the results appeared to reflect the will of the voters, despite significant flaws in the process.

Security services and feudal landlords intimidated voters and political parties throughout the country, according to FAFEN. In particular, observers noted that some police pressured candidates and political party workers by threatening to register cases against them. Police often reportedly did not allow rallies for opposition

parties and pressured individuals to vote for certain parties. FAFEN documented cases in which intelligence services pressured candidates to withdraw.

The International Foundation for Electoral Systems noted that formal adjudication of challenges of disputed election results was weak and that the high courts did not meet statutorily prescribed deadlines for adjudication in the majority of cases.

Political Parties.—There were no undue restrictions on political parties. In most areas there was no interference with the rights to organize, run for election, seek votes, or publicize views. In Balochistan there were reports that both security agencies and separatist groups harassed local political parties such as the Balochistan National Party and the Balochistan Student Organization.

Participation of Women and Minorities.—No laws prevent women from voting; however, cultural and traditional barriers in tribal and rural areas impeded some women. There are 60 seats in the National Assembly reserved for women. The reserved seats were apportioned on the basis of total votes secured by the candidates of each political party contesting elections to the general seats. Of the 758 seats in provincial assemblies, 128 were reserved for women. One-third of the seats in local councils were reserved for women. In some districts social and religious conservatives prevented women from becoming candidates. Women also participated actively as political party members but were not always successful in securing leadership positions within parties, with the exception of in the women's wing.

In the December by-election in Kohistan, Khyber-Pakhtunkhwha, a jirga was held in which tribal leaders decided to bar women from voting, calling female political participation "against Islam" and "against tribal tradition." According to FAFEN, only three of 18,000 female registered voters cast a ballot in the by-election. Based on these results, FAFEN asked the ECP to void the results "due to significant electoral irregularities," but no decision on the matter was made by year's end.

The government required voters to indicate their religion when registering to vote. In order to register to vote, the government required Ahmadis to declare themselves as non-Muslims. Ahmadis consider themselves Muslims, and as a result, the community was unable to vote.

The constitution reserves four seats in the Senate for religious minorities—one for each of the four provinces. These seats are filled through indirect elections held in the provincial assemblies. Ten National Assembly seats are reserved for members of religious minorities. The seats are apportioned to parties based on the percentage of seats each won in the assembly. Under the law minorities held 23 reserved seats in the provincial assemblies: eight in Punjab, nine in Sindh, three in KP, and three in Balochistan.

Women and minorities are also allowed to contest for unreserved seats.

Section 4. Official Corruption and Government Transparency

The law provides for criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Corruption was pervasive in politics and government, and various politicians and public office holders faced allegations of corruption, including bribery, extortion, cronyism, nepotism, patronage, graft, and embezzlement.

On March 15, the FIA arrested former religious affairs minister Hamid Saeed Kazmi in a case relating to his alleged corruption in arranging residential accommodations for Pakistani hajj pilgrims in Saudi Arabia in 2010. The case was pending in the Supreme Court at year's end.

The National Accountability Bureau (NAB) serves as the highest-level anticorruption organization, with a mandate to eliminate corruption through awareness, prevention, and enforcement. During the year the NAB was ineffective, largely because it did not have a chairman or prosecutor general and was poorly funded. Government officials forced the former NAB chairman to resign in June 2010 but did not appoint a new NAB chairman until October. The new anticorruption leader spent the remaining part of the year working to fill vacant positions and seeking appropriate funding levels needed to carry out adequately the NAB's mandate.

The Competition Commission of Pakistan is an independent, quasi-regulatory, quasi-judicial body that worked to ensure competition between companies to enhance economic efficiency and protect consumers from anticompetitive behavior. The organization sought to prohibit corrupt activities, such as collusive practices, abuse of market dominance, deceptive marketing, and illegitimate mergers and acquisitions. Despite dynamic leadership, active community engagement, and lower-level court decisions against businesses engaged in anticompetitive activities, the commission was hindered by insufficient government funding and the slow progress of its cases in the judicial court of appeals.

The 2007 National Reconciliation Ordinance (NRO), promulgated under former president Pervez Musharraf, provided an amnesty mechanism for public officials who were accused of corruption, embezzlement, money laundering, murder, and terrorism between January 1, 1986, and October 12, 1999. In December 2009 the Supreme Court declared the NRO null and void and reopened all 8,000 cases against those who had received amnesty, including the president, ministers, and parliamentarians. In January 2010 the Zardari government filed a review petition challenging the Supreme Court's 2009 decision and requesting its review. On November 25, the Supreme Court dismissed the government's review petition, upholding its earlier decision finding the NRO null and void.

Corruption within the lower levels of the police was common. A July 2010 survey by Transparency International noted that the major cause of corruption was lack of accountability, followed by low salaries. Some police charged fees to register genuine complaints and accepted money for registering false complaints. Bribes to avoid charges were commonplace. Critics charged that appointments of station house officers were politicized.

Widespread allegations of corruption plagued the government's rental power plant projects (RPP), which were a priority in 2008-09 to address the country's acute energy shortage. Citizens and parliamentarians accused government officials of providing financial kickbacks and awarding extravagantly priced rental power plants to their close acquaintances. In December 2010 and January 2011, the Supreme Court found two power companies guilty of receiving more than 970 million rupees ($10.8 million) in advance payments to provide electricity but failing to commence commercial operations by the agreed date. The court ordered both companies to return the funds advanced, and the government abandoned the RPP power project as a policy priority.

Anecdotal reports persisted about corruption in the district and sessions courts, including reports of small-scale facilitation payments requested by court staff. Lower-court judges lacked the requisite independence and sometimes were pressured by superior court judges as to how to decide a case. Lower courts remained corrupt, inefficient, and subject to pressure from prominent wealthy, religious, and political figures. Government involvement in judicial appointments increased the government's control over the court system.

The law allows any citizen access to public records held by a public body of the federal government, including ministries, departments, boards, councils, courts, and tribunals. It does not apply to government-owned corporations or provincial governments. The bodies must respond to requests for access within 21 days. Certain records are restricted from public access, including classified documents, those that would be harmful to a law enforcement case or an individual, or those that would cause grave and significant damage to the economy or the interests of the nation. NGOs criticized the ordinance for having too many exempt categories and for not encouraging proactive disclosure.

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

Domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Other groups that reported on issues implicating the government, military, or intelligence services faced restrictions on their operations. Very few NGOs had access to KP, FATA, and some areas in Balochistan. While government officials were sometimes cooperative, they were only somewhat responsive to these groups' views. The PPP-led government delayed or blocked issuance of visas to international staff members of organizations whose work challenged the image of the government. There were also reports that security agencies blocked the issuance of visas for international staff members due to concerns about their activities and links to foreign governments.

Security threats were a problem for NGO workers due to the instability in FATA and KP, and organizations that promoted women's rights faced particular challenges.

The government sometimes sought international organization and NGO technical cooperation, especially from international NGOs, in the fields of humanitarian relief, development, environment, election operations, and human trafficking. Human rights groups reported that they generally had access to police stations and prisons. The government permitted international nongovernmental human rights observers to visit the country.

Government Human Rights Bodies.—The Senate and National Assembly Standing Committees on Law, Justice, Minorities, and Human Rights held hearings on a range of problems, including honor crimes, police abuse of the blasphemy law, and

the Hudood Ordinance. The committees served as useful fora in which to raise public awareness of such problems, but their final decisions generally adhered to government policy. The committees did not do more than conduct broad oversight. The Parliamentarians' Commission for Human Rights, an interparty caucus of parliamentarians, lobbied for reform in several areas.

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

The constitution provides for equality for all citizens and broadly prohibits discrimination based on race, religion, caste, residence, or place of birth; however, in practice there was significant discrimination based on each of these factors. Two new laws were passed to protect women: one to enhance the penalties for acid attacks, the other to criminalize practices intended to prevent women from marrying, being given to settle disputes, or inheriting property.

Women.—Rape and Domestic Violence.—Rape is a criminal offense, with punishment that ranges from a minimum of 10 to 25 years in prison and a fine to the death penalty. The penalty for gang rape is either death or life imprisonment, but in practice sentences were often less severe. Although rape was frequent, prosecutions were rare. Spousal rape is not a crime under the current penal code.

Under the law the crime of rape falls under the jurisdiction of criminal rather than Islamic courts. The NGO Aurat Foundation estimated that 88 percent of women in prison were convicted of adultery, many of them after reporting rape. Under the law in cases of rape police are not allowed to arrest or hold a woman overnight at a police station without a civil court judge's consent. The law requires a complaint to be made directly to a sessions court. After recording the victim's statement, the sessions court judge officially lodges a complaint, after which police can then make any arrests. While this procedure was meant to eliminate problems relating to social norms that make it difficult for women to go to the police, NGOs reported that it created other barriers for rape victims who did not have money to travel to the courts or access to the courts. Rape continued to be a severely underreported crime.

In December 2010 the Federal Shariat Court (FSC) declared several clauses of the law un-Islamic and unconstitutional. The verdict sought to reinstate certain provisions of the 1979 Hudood Ordinance and expand the FSC's jurisdiction in cases of adultery and false accusations of adultery. The FSC directed its judgment to the federal government, as well as the provincial and Islamabad high courts for implementation. The federal government appealed the FSC's decision to the Supreme Court in May. The Supreme Court had not set a hearing date by year's end.

There were no reliable national, provincial, or local statistics on rape due to underreporting and the lack of any centralized law enforcement data collection system. However, based on media reports, the Aurat Foundation estimated that nationally 396 women were raped between January and June.

Prosecutions of reported rapes were rare. Police and NGOs reported that false rape charges sometimes were filed in different types of disputes, reducing the ability of police to assess real cases and proceed with prosecution. NGOs reported that police at times were implicated in rape cases. NGOs also alleged that police sometimes abused or threatened victims, demanding that they drop charges, especially when police received bribes from suspected perpetrators. Some police demanded bribes from some victims before registering rape charges, and investigations were sometimes superficial. While the use of postrape medical testing increased during the year, medical personnel in many areas did not have sufficient training or equipment, which further complicated prosecutions. Extra judicial resolutions to rape accusations were common, with a victim often forced to marry her attacker.

In September the family members of Kainat Soomro, a 2007 gang rape victim, were attacked in Karachi. In June 2010 Sabir Soomro, the brother of Kainat Soomro was found dead near Khuzdar, Balochistan. The family alleged that the perpetrators had been pressuring the family to withdraw the case. All four accused men previously had been acquitted and released. At the end of June 2010, President Zardari ordered a new inquiry; there was no new information on the inquiry at year's end.

On April 21, a three-member bench of the Supreme Court, headed by Justice Shakirullah Jan, upheld the original verdict of the Lahore High Court in the Mukhtar Mai gang-rape case. Initially 14 defendants were charged with either rape or collusion to commit rape; eight of the defendants were acquitted in the original trial. Of the six convicted of rape by the trial court, five were acquitted on appeal, and the sixth had his death sentence commuted to life imprisonment. In May Barrister Aitzaz Ahsan filed a review petition. The petition sought a review of the three-member bench decision by a large bench. This petition remained pending at year's end.

Rape by police officials also was a problem (see section 1.c.).

No specific law prohibits domestic violence, which was a widespread and serious problem. Husbands reportedly beat and occasionally killed their wives. Other forms of domestic violence included torture, physical disfigurement, and shaving the eyebrows and hair off women's heads. In-laws abused and harassed the wives of their sons. Dowry and family-related disputes often resulted in death or disfigurement by burning or acid.

According to the Aurat Foundation, the media reported 8,539 cases of violence against women, a decrease from 2010. The foundation's data showed there were reports of 1,575 women killed, 2,089 abducted, 610 victims of domestic violence, 110 sexually assaulted, 44 victims of acid attacks, 29 victims of burning, 827 raped, and 758 as having committed suicide. The foundation noted that their analysis attributed the reduction in reporting to a declining law and order situation in Sindh and Balochistan as well as flooding in July.

According to a 2008 HRCP report, 80 percent of wives in rural Punjab feared violence from their husbands, and nearly 50 percent of wives in developed urban areas admitted that their husbands beat them.

Women who tried to report abuse faced serious challenges. Police and judges were sometimes reluctant to take action in domestic violence cases, viewing them as family problems. Instead of filing charges, police typically responded by encouraging the parties to reconcile. Abused women usually were returned to their abusive family members. Women were reluctant to pursue charges because of the stigma attached to divorce and their economic and psychological dependence on relatives. Relatives were hesitant to report abuse due to fear of dishonoring the family.

To address societal norms that frowned on victims who reported gender-based violence and abuse, the government established women's police stations, staffed by female officers, to offer women a safe haven where they could safely report complaints and file charges. Men are also able to utilize these police stations. The 12 women's police stations in the country were located in Karachi (3), Larkana (1), Hyderabad (1), Sukkur (1), Lahore (1), Faisalabad (1), Rawalpindi (1), Peshawar (1), Abbottabad (1), Quetta (1), and the Islamabad Capital Territory (ICT) in Islamabad City. Women's police stations continued to struggle with understaffing and limited equipment. Training for female police officers and changing cultural assumptions of male police officers also remained challenges. Due to restrictions on women's mobility and social pressures related to women's public presence, utilization of women's police centers was limited, but NGOs and officials reported that use was growing and that more centers were needed.

The government operated the Crisis Center for Women in Distress, which referred abused women to NGOs for assistance. A total of 26 government-funded Shaheed Benazir Bhutto centers for women across the country provided women with temporary shelter, legal aid, medical treatment, and psychosocial counseling. These centers served women who were victims of exploitation and violence. Victims later were referred to "darul aman" (approximately 200 centers for women and child victims established with funds from the Provincial Women Development Department). These centers provided shelter, access to medical treatment, limited legal representation, and some vocational training. Many government centers were full beyond capacity and lacked sufficient staff and resources. In some cases women were abused at the government-run shelters, found their movements severely restricted, or were pressured to return to their abusers.

Harmful Traditional Practices.—Women were victims of various types of societal violence and abuse, including honor killings; facial, bodily, and genital mutilation; forced marriages; imposed isolation; and being used to settle disputes. Women often were treated as chattel, and perpetrators were often husbands and other male family members.

Hundreds of women reportedly were victims of honor killings. Many cases went unreported and unpunished. The Aurat Foundation reported 382 honor killings between January and June and estimated that less than 2 percent of all honor killings were reported. The practice of "karo-kari" continued across the country. (Karo-kari is a form of premeditated honor killing that occurs if a tribal court or jirga determines that adultery or some other "crime of honor" occurred. Karo-kari means "black male" (karo) and "black female" (kari), metaphoric terms for someone who has dishonored the family or is an adulterer or adulteress.) Once a woman is labeled as a kari, male family members have the self-authorized justification to kill her and any co-accused karo to restore family honor. In many cases the karo is not killed or is able to flee.

Human rights groups criticized the law banning karo-kari because it allows the victim or the victim's heirs to negotiate physical or monetary restitution with the perpetrator in exchange for dropping charges.

Police in Sindh established karo-kari cells with a toll-free telephone number in the districts of Sukkur, Ghotki, Khairpur, and Nausharo Feroze for persons to report karo-kari incidents. Because honor crimes generally occurred within families, many went unreported. However, police and NGOs reported that increased media coverage enabled law enforcement to take some action against a limited number of perpetrators.

The practice of cutting off a woman's nose or ears, especially in relation to honor crimes, was reported (also see section 1.c.). For example, on June 20, Muhammad Riaz cut off his 22-year-old wife's nose before turning himself over to police in Haripur, KP. He accused his wife of having an affair.

Many young girls and women were victims of forced marriages arranged by their families. Although forced marriage is a criminal offense and many cases were filed, prosecution remained a problem. There were reports of citizens abroad bringing their daughters back to the country, taking away their legal documents, and forcing them into marriage against their will.

The practice of buying and selling brides also continued in rural areas, although prohibited by law. Many tribes, communities, or families continued the practice of sequestering women from all contact with men other than their relatives. Despite prohibitions on handing over women as compensation for crimes or as a resolution of a dispute (also known as "vani" or "swara"), the practice continued in Punjab and KP. In rural Sindh landowning families continued the practice of "marriage to the Qur'an," forcing a female family member to stay unmarried to avoid division of property. Property of women married to the Qur'an remained under the legal control of their fathers or eldest brothers, and such women were prohibited from contact with any man older than age 14. These women were expected to stay in the home and not to contact anyone outside their families.

In response to these issues, on December 12, the Senate unanimously passed the Prevention of Anti-Women Practice Amendment 2008. The law criminalizes and punishes giving a female in marriage as consideration to settle a civil or criminal dispute; depriving a woman of her rights to properly inherit movable or immovable property by deceitful or illegal means; coercing or in any manner compelling a woman to enter into marriage; and compelling, arranging, or facilitating the marriage of a woman with the Qur'an, including forcing her oath on the Qur'an to remain unmarried or not to claim her share of an inheritance. During the same session the Senate also unanimously passed the Acid Control and Acid Crime Practice Bill 2010, which makes maiming or killing via corrosive substance a crime and imposes stiff penalties against perpetrators. These laws are not applicable to FATA and PATA unless the president issues a notification in this regard.

A third bill, passed on December 13, promises economic and other support to women in prison who are unable to defend themselves legally or post bail for lack of familial support and funds.

NGOs and women's activists stressed that while these laws were positive steps, implementation remained a serious challenge.

Sexual Harassment.—Sexual harassment was a widespread problem. Press reports indicated that harassment was especially high among domestic workers and nurses. In a survey conducted by the Daily Times in August 2010, female government and private sector employees complained about the abusive behavior of their male colleagues and senior officials. They said some officers sought "undue favors" by blocking salaries, benefits, promotions, transfers, and postings.

Reproductive Rights.—Couples and individuals have the right to decide the number, spacing, and timing of children but often lacked the information and means to do so. Young girls and women were especially vulnerable to problems related to sexual and reproductive health and reproductive rights. They often lacked information and means to access care. Spousal opposition also contributed to the challenges women faced in obtaining contraception or delaying pregnancy. Access by women, particularly in rural areas, to health and reproductive rights education remained difficult due to social constraints. For these same reasons data collection was also difficult.

Only 39 percent of births took place in the presence of a skilled birth attendant; within the poorest 20 percent of the population, this figure dropped to 16 percent. According to the 2006-2007 Demographic and Health Survey, 35 percent of women received no prenatal care. According to UNICEF's data, 61 percent of woman received antenatal care at least once during their pregnancy or delivery, with only 28 percent receiving it four times or more.

According to UNICEF's 2009 State of the World's Children Report, the country had a maternal mortality rate of 276 deaths per 100,000 live births; the high rate was attributed to lack of information and services. Women in rural areas were at

twice the risk of dying of birth-related causes than women in urban areas (maternal mortality rates of 319 and 175 deaths per 100,000 live births, respectively). The rate increased to 785 deaths per 100,000 live births in Balochistan Province. Few women in rural areas had access to skilled attendants during childbirth, including essential obstetrics and postpartum care. According to UNICEF the situation for mothers and children in the country was complicated by deteriorating security, which caused displacement and affected access to medical services, especially in KP and FATA.

According to a 2007 U.N. Population Fund estimate, only 17 percent of the country's women between the ages of 15 and 24 knew that a person could reduce HIV risk through condom use. Women were less likely than men to be diagnosed and treated for sexually transmitted infections, due to the social stigma attached to visiting a doctor, among other factors. According to the UNAIDS 2009 report, the country had an estimated 98,000 HIV cases, of which approximately 28,000 were women age 15 or older; the National Aids Control Program (NACP) estimated that only 5 percent of cases were actually recorded. Although HIV prevalence among women was less than 1 percent, some groups of women, including professional prostitutes, women, and girls forced into prostitution, and wives of migrant workers were highly vulnerable.

Discrimination.—Women also faced legal and economic discrimination. The law prohibits discrimination on the basis of sex, but in practice authorities did not enforce this provision. Women faced discrimination in family law, property law, and the judicial system. Family law provides protection for women in cases of divorce, including requirements for maintenance, and lays out clear guidelines for custody of minor children and their maintenance. However, many women were unaware of these legal protections or unable to obtain legal counsel to enforce them. Divorced women were often left with no means of support, as their families ostracized them. Women are legally free to marry without family consent, but women who did so often were ostracized or faced becoming the victims of honor crimes.

The inheritance law also clearly discriminates against women; however, the 2008 Anti-Women Practices Act, passed in December, made it illegal to deny women's inheritance of property by deceitful means. Female children are entitled to one-half the inheritance of male children. Wives inherit one-eighth of their husband's estate. In practice women often received far less than their legal entitlement.

Women also faced significant discrimination in employment and frequently were paid less than men for similar work. In many rural areas of the country, strong societal pressure prevented women from working outside the home. Some tribes continued the traditional practice of sequestering women from all contact with men other than relatives.

Children.—Birth Registration.—Citizenship is derived by birth in the country; however, for children born abroad after 2000, citizenship can be derived by descent, if either the mother or the father is a citizen and the child is registered with the proper authorities (see section 2.d., Protection of Refugees, for an exception regarding Afghan refugees).

Reporting of births is voluntary, and records are not kept uniformly, particularly in rural areas where children are born at home. In lieu of a birth certificate, individuals often used school records attested to by the headmaster or principal of the school, or matriculation certificates, both of which identify the father and the date of birth. NADRA issues identity documents, including birth certificates, and uses mobile teams to register children in rural areas. The number of unregistered births was not available. While the government reported that more than 75 percent of the population was registered, actual figures may be lower. Public services, such as education and health care, were available to children without a birth certificate.

Education.—The constitution mandates that the government provide free and compulsory education to all children between the ages of five and 16. In practice government schools often charged parents for the cost of books, uniforms, and other materials. Parents of lower economic means sometimes chose to send children to madrassahs, where they received free room and board, or to NGO-operated schools.

According to government estimates (2009-10), 57.7 percent of the population over age 10 was literate and 45.3 percent of women were literate, reflecting more limited educational access for girls. Many NGOs believed that the actual percentages were much lower, particularly in rural and tribal areas. More than 40 percent of girls never enroll in school.

The biggest barrier to girls' education was the lack of access. Public schools, particularly beyond the primary grades, were not available in many rural areas, and those that existed were often too far away for a girl to travel unaccompanied. In addition, despite cultural beliefs that boys and girls should be educated separately after primary school, the government often failed to take measures to provide sepa-

rate restroom facilities or separate classrooms, and there were more government schools for boys than for girls. The attendance rates for girls in primary, secondary, and postsecondary schools were lower than for boys across the board.

Medical Care.—Although boys and girls had equal access to government facilities, families were more likely to seek medical assistance for boys.

Child Abuse.—Child abuse was widespread. Young girls and boys used as domestic servants were abused, beaten, and made to work long hours by employers, who in some cases were relatives. According to an August 26 article in Dawn, more than 170,000 children lived on the streets. Up to 90 percent were abused sexually on the first night that they slept outside, and 60 percent accused police of sexually abusing them.

The penal code defines statutory rape as sexual intercourse with a female younger than age 16. The punishment for rape is death or 10 to 25 years' imprisonment and a fine. Gang rape is punishable by death or life imprisonment.

There were no known limits on child IDPs' access to government services, although some civil society organizations demanded improvement in these services.

Child Marriage.—Despite legal prohibitions, child marriages occurred. The act sets the legal age of marriage at 18 for men and 16 for women and prescribes punishment and fines, ranging from imprisonment up to a month, 1,000 rupees ($11), or both. In practice the penalties were too low to have any deterrent effect.

A World Population Foundation survey in 2009 found that 49 percent of women between the ages of 20 and 24 were married before the age of 18. In 2008 the Family Planning Association of Pakistan estimated that child marriages made up 32 percent of marriages in the country. In rural areas poor parents sometimes sold their daughters into marriage, in some cases to settle debts or disputes.

Sexual Exploitation of Children.—Child pornography is illegal under obscenity laws. Children were sold into prostitution (see section 7.c.). Socioeconomic vulnerabilities led to the sexual exploitation of children, as well as the trafficking of children for sexual exploitation. Many children working in exploitative begging situations at bus terminals and on the side of the road were abused sexually and physically.

Karachi and interior Sindh saw an increase in cases of sexual abuse of children in madrassahs. A tribal council in Jacobabad charged a local Deobandi cleric with confining and sexually abusing a young girl for a period of one year at the madrassah he operated. On December 13, Sindh police raided a Deobandi madrassah on the outskirts of Karachi and discovered 68 captive boys, many of whom reported sexual abuse by the custodians of the madrassah.

Infanticide.—According to the Edhi Foundation, only 480 dead infants were recovered during the year, a decrease from 1,210 dead infants found during 2010. An Edhi Foundation official stated that they believed the decrease resulted from increased police. The death toll was greater among girls; nine of 10 dead infants that the charity found were girls. Edhi reported that up to 200 infants were left in its 400 cradles nationwide each year and that it handled thousands of requests for adoption by childless couples. By law anyone found to have abandoned an infant can be jailed for seven years, while anyone guilty of secretly burying a child can be imprisoned for two years. Murder is punishable by life imprisonment, but the crime of infanticide was rarely prosecuted.

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/country/country—3781.html.

Anti-Semitism.—There were no known Jewish communities in the country. Anti-Semitic sentiments were widespread in the vernacular press. In one case the magazine Nazaria-e-Pakistan published an article containing claims that "Judaism and Brahmanism are names for racism" and referring to "the international Jewish drama of 9/11."

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 equality of the rights of persons with disabilities, but the provisions were not always implemented in practice. After dissolution of the Ministry of Social Welfare and Special Education in April, its affiliated departments, including the Directorate General for Special Education, National Council for the Rehabilitation of the Disabled (NCRD), and National Trust for the Disabled, were handed over to the Capital Administration and Development Division. The special education and social welfare offices were devolved to the provinces and are responsible for protecting the rights of persons with disabilities.

In the provinces social welfare departments worked for the welfare and education of persons with disabilities. In Sindh the minister for bonded labor and special education is mandated to address the educational needs of persons with disabilities. At the higher-education level, special departments provided special education at Allama Iqbal Open University, the University of the Punjab, and Karachi University. According to the Leonard Cheshire Foundation, most children with disabilities did not attend school; at the primary level specifically the percentages for those out of school were 50 percent for girls and 28 percent for boys.

The government declared the federal capital and provincial capitals as disabled-friendly cities and granted permission to persons with disabilities to take central superior service exams. It also established 127 special education centers in main cities. Employment quotas at the federal and provincial levels require public and private organizations to reserve at least 2 percent of jobs for qualified persons with disabilities. In practice this right was protected only partially due to a lack of adequate enforcement mechanisms. Families cared for most individuals with physical and mental disabilities. In some cases criminals forced persons with disabilities into begging and took most of the proceeds they received.

Organizations that refused to hire persons with disabilities could choose to pay a fine to a disability assistance fund. This obligation rarely was enforced. The NCRD provided job placement and loan facilities as well as subsistence funding. There were no restrictions on the rights of persons with disabilities to vote or participate in civil affairs. However, voting was difficult for persons with disabilities because of severe difficulties in obtaining transportation and access to polling stations.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Systematic discrimination against national, ethnic, and racial minorities was widely acknowledged privately, but insufficient data existed for accurate reporting on these forms of discrimination.

Consensual same-sex sexual conduct is a criminal offense; in practice, the government rarely prosecuted cases. Gay men and lesbians rarely revealed their sexual orientation. No laws protect against discrimination on the basis of sexual orientation or gender identity. Systematic discrimination against lesbian, gay, bisexual, and transgender persons was widely acknowledged privately, but insufficient data existed for accurate reporting on these forms of discrimination.

Society generally shunned transgender, eunuchs, and hermaphrodites, referred to as "hijras," who often lived together in slum communities and survived by begging and dancing at carnivals and weddings. Some also were involved in prostitution. Hijras often were denied places in schools or admission to hospitals, and landlords often refused to rent or sell property to them. Hijras' families often denied them their fair share of inherited property.

On November 14, the Supreme Court ordered the national Election Commission to reach out to the hijra community and register them to vote in advance of the March 2012 Senate elections.

Other Societal Violence or Discrimination.—Societal attitudes toward HIV-positive individuals were changing, but social discrimination continued. Cases of discrimination often went unreported due to the stigma faced by HIV/AIDS patients. In addition to operating treatment centers, the NACP held rallies and public campaigns and spoke in mosques about birth control and AIDS awareness. The Ministry of Health established 13 HIV treatment and care centers nationwide, which provided comprehensive HIV care services.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The constitution states that "every citizen shall have the right to form associations or unions, subject to any reasonable restriction imposed by law." The 18th amendment to the constitution devolved matters pertaining to labor legislation and policies to the four provinces. It stipulated that in the interim period, laws would remain in force "until altered, repealed, or amended by the competent authority," that is, the provincial governments. Under the 18th amendment, devolution was completed on June 30.

The International Labor Organization (ILO) noted that the passage of provincial Industrial Relations Acts (IRAs) governing labor relations took place without tripartite consultation and without resolution of identified weaknesses and ambiguity in the former federal legislation, including the inability of agricultural workers to form worker associations. At the provincial levels, collective bargaining rights continued to exclude banking and financial sector workers, forestry workers, hospital workers, self-employed farmers, and persons employed in an administrative capacity or managerial capacity whose wages exceeded 8,000 rupees ($89) per month.

Despite passage of the four provincial-level IRAs, there was no federal-level law covering nationwide or transprovincial unions between April 2010 and July 2011,

meaning that such organizations had no authority to exist and no mandate. This legal gap included unions at nationwide entities such as Pakistan International Airlines and the Pakistan Water and Power Development Authority (WAPDA).

In addition labor unions and activists noted that without any federal-level legislation or federal-level entity responsible for labor, the continued existence of the National Industrial Relations Commission (NIRC) stood in question, and there was no government representative to respond to or negotiate with international labor bodies such as the International Labor Organization (ILO), the World Trade Organization, or the U.N. on international commitments signed by the government. As a result the president issued the Industrial Relations Ordinance in July, which was extended in November until March 7, 2012, with no possibility of further extension. The National Assembly did not pass a federal bill to cover the ICT and transprovincial unions by year's end. Labor organizations noted that if no federal-level legislation was passed before the ordinance expires in March 2012, the NIRC would cease to exist. Additionally, without federal-level legislation there would be no labor law in the ICT, no entity capable of bilateral or multilevel labor-related negotiations, no single clearinghouse to ensure compliance with international norms, and no legal umbrella for transprovincial unions (and all unions registered in the ICT). By year's end there was no settled mechanism for resolving interprovincial inequities or disputes, or nationwide labor questions involving large corporations or groups of workers.

In addition to these concerns, labor unions and worker organizations noted several deficiencies in the provincial IRAs, including Sindh's adoption of the federal legislation without modification of the language to reflect that it was now a provincial law, and Punjab's IRA, which prohibits labor organization in companies with fewer than 50 workers. Worker organizations also noted that capacity and funding for labor relations implementation at the provincial level was limited and that there was controversy over the federal government's decision to maintain control of the Workers Welfare Fund and Employees Old-Age Benefits Institution.

Laws in place at the time of devolution not "altered, repealed, or amended by the competent authority" remained in effect. One such law prohibits state administrators, government and state enterprises, and workers in export processing zones (EPZs) from collective bargaining and striking, as well as strikes by public sector workers and workers in nonessential services. While still in effect, labor groups reported that the law was not applied during the year. The provincial industrial relations acts also address and limit strikes and lockouts. For example, the Khyber Pakhtunkhwa Industrial Relations Act specifies that where any "strike or lockout lasts for more than 30 days, the government may, by order in writing, prohibit the strike or lockout" and must then refer the dispute to a labor court.

Other federal-level laws also define illegal strikes, picketing, and other types of protests as "civil commotion," which carries a penalty of up to life imprisonment; deems any gathering of four or more persons subject to police authorization, a provision that authorities may use against trade union gatherings. Devolution did not alter the federal government's authority on criminal matters.

Labor groups, international organizations, and NGOs continued to express concern about the devolution of the laws, noting that certain labor issues, including minimum wages, worker rights, national labor standards, and observance of international labor conventions, should remain within the purview of the federal government. Observers also continued to raise concerns about the provinces' varying capacity and commitment to adopt and enforce adequate labor laws. In 2010 labor unions filed two petitions challenging the full devolution of labor issues to the provinces; the petitions remained pending at year's end.

Labor leaders also stressed the need for legislation to cover the rights of workers in the informal and agricultural sectors.

Enforcement of labor laws remained weak, in large part due to lack of resources and political will. Although some unions were affiliated with political parties, most functioned independently of government and political party influence. Labor leaders anecdotally raised concerns about the use of "yellow unions" by employers to prevent effective unionization.

There were no reported incidents of the government dissolving a union without due process.

Unions were able to organize large-scale strikes. Widespread protests in October by the Pakistan Electric Power Corporation (PEPCO) and WAPDA labor unions against PEPCO's dissolution resulted in President Zardari intervening and delaying the dissolution and power-sector reform process. In July doctors in Islamabad went on strike for nearly two months to protest pay and contract benefits, health-service structures, and the failure to convert contractors to direct hires. Indefinite intermit-

tent strikes by medical workers, including doctors and paramedical, clerical, nursing, and janitorial staff, continued at year's end.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor, cancels all existing bonded labor debts, forbids lawsuits for the recovery of such debts, and establishes the district vigilance committee system to implement the act. The ILO noted that federal and provincial acts prohibit employees from leaving their employment without the consent of the employer, or from striking, as doing so subjects them to penalties of imprisonment that may involve compulsory labor.

The federal law largely was unenforced by the government due to technical flaws, federal and local government structural changes, and a lack of budget implementation. As a result, when law enforcement officers registered bonded labor offenses, they did so under other sections of the penal code, including kidnapping and illegal confinement.

The use of forced and bonded labor continued to be widespread and was common in many industries across the country. NGOs reported that more than one million persons were in bondage, primarily in Sindh and Punjab. A large proportion of bonded laborers were low-caste Hindus as well as Christians and Muslims with lower socioeconomic backgrounds. Bonded labor was most common in agriculture and the brick, glass, carpet, and fishing industries. Bonded laborers often were unable to determine when their debts were fully paid, in part because contracts were rare and employers were able to take advantage of bonded laborers' illiteracy to alter debt amounts or the price laborers paid for seed and fertilizer. In some cases landowners restricted laborers' movements with armed guards or sold laborers to other employers for the price of the laborers' debt.

Boys and girls also were bought, sold, rented, or kidnapped to work in organized, illegal begging rings, domestic servitude, and agriculture as bonded laborers. Illegal labor agents charged high fees to parents with false promises of decent work for their children, who later were exploited and subjected to forced labor in domestic servitude, unskilled labor, small shops, and other sectors. NGOs and police reported markets where girls and women were bought and sold for labor.

Some bonded laborers returned to their former status after they were free, due to a lack of alternative employment options. Ties between landowners, industry owners, and influential politicians hampered effective elimination of the problem. For example, some local police were unable to pursue landowners or brick-kiln owners effectively because they believed that their efforts to carry out investigations according to the law would not be supported by higher-ranking police officers who would be pressured by politicians or the owners themselves.

The KP, Punjab, and Sindh ministries of labor continued to register brick kilns and workers to regulate the industry better and ensure that workers had access to labor courts and other services. The Punjab Department of Labor also continued a project to combat bonded labor in brick kilns, through which it helped brick-kiln workers obtain national identity cards and interest-free loans, and also opened schools at brick kiln sites.

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 expressly prohibits the employment of children below the age of 14 in any factory, mine, or other hazardous site. However, there is no minimum age for work in nonhazardous sectors.

The law limits a child's workday to seven hours, including a one-hour break after three hours of labor, and sets permissible times of day for work and time off. Children are not allowed to work overtime or at night, and a child should have one day off per week. In addition the law requires employers to keep a register of children working for them for labor inspectors to verify. These prohibitions and regulations do not apply to family businesses or government schools.

The law protects all children younger than age 18 from exploitation and defines exploitative entertainment as all activities related to human sports or sexual practices and other abusive practices. Parents who exploit their children are also liable under the law. The law makes bonded labor by children punishable by up to five years in prison and 50,000 rupees ($556) in fines. The law prohibits the employment of children younger than 14 in factories, mines, railways, rag-picking, port areas, fireworks, and other hazardous occupations, and it regulates their work conditions. The government considers four occupations and 34 processes illegal for children, including street vending, surgical instrument manufacturing, deep-sea fishing, leather manufacturing, brick making, production of soccer balls, and carpet weaving. Despite this, there were reports of children working in all of these areas.

The Ministry of Labor, Manpower, and Overseas Pakistanis had a small group of specialized labor inspectors empowered to inspect all facilities under the child labor law. In reality enforcement efforts were not adequate to meet the scale of the problem. Inspectors had little training and insufficient resources and were susceptible to corruption. Devolution also compounded these problems. Authorities allowed NGOs to perform inspections without interference, and SPARC noted that government officials usually cooperated with their visits.

Authorities often did not impose penalties on violators; when they did, the penalties were not a significant deterrent. Although authorities obtained hundreds of convictions for violations of child labor laws, the fines were generally considered too low to deter violations.

Due to weak government enforcement of child labor laws, child labor remained pervasive. NGOs and government sources noted that the 2010 and 2011 floods proved devastating for children, with the destruction of schools and dire financial situations compelling families to put children to work. According to the HRCP and SPARC, there were 10 million to 11.5 million child laborers, many of them in agriculture and domestic work.

Approximately 70 percent of nonagricultural child labor took place in small workshops, complicating efforts to enforce child labor laws, since by law inspectors may not inspect facilities employing fewer than 10 persons.

Children were forced to work in the brick-kiln, glass bangle, and carpet-weaving industries, as well as agriculture, as part of fulfilling their families' debt obligation to feudal landowners or brick-kiln owners. UNICEF estimated the number of children working in brick kilns at 250,000. In a March 2009 report, the National Coalition against Child Labor stated that there were 1.7 million persons in bonded labor in the agricultural sector, including children.

Poor rural families sometimes sold their children into domestic servitude or other types of work, or paid agents to arrange for such work, often believing that their children would work under decent conditions. Some children sent to work for relatives or acquaintances in exchange for education or other opportunities ended up in exploitative conditions or forced labor.

Children also were kidnapped and/or sold into organized begging rings, domestic servitude, and child prostitution.

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 federally set minimum wage for unskilled workers is 7,000 rupees ($78) per month, increased in 2010 from the previous wage of 6,000 ($67) per month. Provincial governments' minimum wage boards set skilled and semiskilled sector minimum wages. The sectors specified and minimum wages vary by province. The government's 2011 Economic Survey considered the poverty line to be 3,389 rupees ($37.68) per month. Significant sectors of the workforce, including those in the informal sector, domestic servants, and agricultural workers, were not covered by minimum wage laws.

The law provides for a maximum workweek of 48 hours (54 hours for seasonal factories) with rest periods during the workday and paid annual holidays. Additional benefits required under the labor code include official government holidays, overtime pay, annual and sick leave, health care, education for workers' children, social security, old age benefits, and a workers' welfare fund.

These regulations do not apply to agricultural workers, workers in factories with fewer than 10 employees, domestic workers, or contractors. In addition such workers do not have the right to access "worker courts" to seek redress of grievances and were otherwise extremely vulnerable to exploitation. The inapplicability of many labor laws and the lack of enforcement by the government gave employers in many sectors relative impunity with regard to working conditions, treatment, work hours, and pay.

Provincial governments have primary responsibility for enforcing national labor regulations. Enforcement was ineffective due to limited resources, corruption, and inadequate regulatory structures. In both Sindh and Punjab, provincial policies against surprise inspections severely limited effective enforcement. Balochistan and KP continued to allow surprise inspections. Many workers remained unaware of their rights, especially in the informal sectors. Given the serious restrictions on labor inspections and the impact of limited resources and corruption, inspections and concomitant penalties were insufficient to deter violations of labor laws.

Health and safety standards were poor in all sectors. There was a serious lack of adherence to mine safety and health protocols. For example, many mines had only one opening for entry, egress, and ventilation. Workers could not remove themselves from dangerous working conditions without risking loss of employment. Informal sector employees faced multiple precarious situations, particularly in less visi-

ble, informal sectors such as domestic work. There were no official statistics on workplace fatalities and accidents during the year.

SRI LANKA

EXECUTIVE SUMMARY

Sri Lanka is a constitutional, multiparty republic. President Mahinda Rajapaksa, who was reelected to a second six-year term in January 2010, and the parliament, which was elected in April 2010, share constitutional power. The government is dominated by the president's family; two of the president's brothers hold key executive branch posts as defense secretary and minister of economic development, while a third brother is the speaker of parliament. A large number of other relatives, including the president's son, also serve in important political or diplomatic positions. Independent observers generally characterized the presidential and parliamentary elections as problematic. Both elections were fraught with violations of the election law by all major parties and were influenced by the governing coalition's massive use of state resources. There were instances in which elements of the security forces acted independently of civilian control.

The major human rights problems were unlawful killings by security forces and government-allied paramilitary groups, often in predominantly Tamil areas, which led many to regard them as politically motivated, and attacks on and harassment of civil society activists, persons viewed as Liberation Tigers of Tamil Eelam (LTTE) sympathizers, and journalists by persons allegedly tied to the government, which created an environment of fear and self-censorship.

Other serious human rights problems included disappearances, as well as a lack of accountability for thousands who disappeared in previous years. Security forces tortured and abused detainees, poor prison conditions remained a problem, and authorities arbitrarily arrested and detained citizens. A number of suspects detained by police or other security forces died under questionable circumstances. Lengthy pretrial detention was a problem. Denial of fair public trial remained a problem, and the judiciary was subject to executive influence. The government infringed on citizens' privacy rights. There were some restrictions on freedom of speech, press, assembly, association, and movement. Infringement on freedom of movement was less frequent than in 2010. While citizens were generally able to travel almost anywhere in the island, police and military checkpoints were still widespread in the north and east, and numerous high security zones and other areas remained off-limits to citizens. Authorities harassed journalists critical of the government and self-censorship was widespread. The president used his authority under the September 2010 18th Amendment to take greater control of appointments to previously independent public institutions that oversee the judiciary, the police, and human rights. The president now holds the authority to name all members to the Constitutional Council and its subsidiary councils, with only the requirement to "seek advice," but not approval, of parliament. Doubts remained about the fairness of both the 2010 presidential and parliamentary elections due to election law violations and government influence. Lack of government transparency was a serious problem. Violence and discrimination against women were problems, as were abuse of children and trafficking in persons. Discrimination against persons with disabilities and against the ethnic Tamil minority continued, and a disproportionate number of victims of human rights violations were Tamils. Discrimination against persons based on their sexual orientation and against persons with HIV/AIDS were problems. Limits on workers' rights and child labor remained problems.

The government prosecuted a very small number of officials implicated in human rights abuses but had yet to hold anyone accountable for alleged violations of international humanitarian law and international human rights law that occurred during the conflict. Official impunity for a wide range of human rights abuses, particularly in cases of police torture, corruption, and attacks on media institutions, was a problem.

During the year unknown actors suspected of association with progovernment paramilitary groups committed killings, assaults, and intimidation of civilians. There were persistent reports of close, ground-level ties between paramilitary groups and government security forces.

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 the government, its agents, or its paramilitary allies committed arbitrary or unlawful killings, but reliable statistics on such killings were difficult to obtain be-

cause past complainants were killed and some families feared reprisals if they filed complaints.

Among these arbitrary or unlawful killings, there were increased reports of suspects detained by police or other security forces who died under questionable circumstances. For example, on July 3, Neluwa Priyantha died in the custody of members of the Special Task Force (STF) while he was showing them a house where he hid weapons.

There were several instances in which police were held accountable for unlawful killings. On September 29, trishaw driver G.A. Gayan Rasanga was arrested in Dompe on theft charges and reportedly tortured to death by the police. A Criminal Investigations Department (CID) investigation into the incident resulted in the arrest of five police officers. The police were prosecuted, and the case continued in a magistrate's court at year's end.

According to official accounts, security forces took some suspects to the scenes of their alleged crimes and then shot and killed them while they allegedly were trying to escape. On October 3, Lalith Susantha, a suspect in the killing of a police officer, allegedly drowned in the Bolgoda Lake while showing the police where the murder weapon was hidden.

The overall number of extrajudicial killings decreased from the previous year. Nevertheless, during the year, and particularly in the beginning of the year, unknown actors suspected of association with progovernment paramilitary groups committed killings and assaulted civilians. These included the Tamil Makkal Viduthalai Pulikal, associated with former LTTE eastern commander and now Deputy Minister of Resettlement Vinayagamurthi Muralitharan, alias "Karuna," as well as Sivanesathurai Chandrakanthan, alias "Pillaiyan," in the east, and the Eelam People's Democratic Party (EPDP), led by Minister of Social Services and Social Welfare Douglas Devananda, in Jaffna. These and other progovernment paramilitary gangs and parties also were active in Mannar and Vavuniya. All of these groups endeavored to operate political organizations, some with more success than others, and there were persistent reports of close, ground-level ties between paramilitary groups and government security forces. Whereas these groups served more of a military function during the war, often working in coordination with security forces, during the year they increasingly took on the characteristics of criminal gangs as they sought to solidify their territory and revenue sources in the postwar environment.

While some killings were criminal acts, others appeared to be politically motivated, targeting persons believed to be LTTE sympathizers. For example, on June 26, Jaffna residents found former LTTE combatant Balachchandran Satkunarasa hanged from a soccer goal post.

On December 29, an army soldier manning a checkpoint post in Poonakari reportedly shot and killed a traveler after he refused to hand over his motorbike to the soldier. The soldier was killed in a confrontation with fellow soldiers following the incident.

Britain's Channel 4 broadcast a report in 2009 on events at the end of the war, followed by a more extensive documentary made available worldwide on the Internet June 14 entitled "Sri Lanka's Killing Fields," which purported to show graphic evidence of army forces committing human rights violations, including footage of extrajudicial executions. The government claimed that its investigations showed that the video was a fake, and that those filmed were actually LTTE members wearing uniforms to impersonate army soldiers while carrying out the executions. The U.N. special investigator into extrajudicial killings in Sri Lanka, Christof Heyns, told the U.N. Human Rights Council on May 30 that forensic and technical experts concluded that the video was authentic and that the events reflected in the video occurred as depicted. The report of the domestic Lessons Learned and Reconciliation Commission (LLRC), publicly released December 16, questioned the findings of the UN-commissioned experts and recommended that the government "institute an independent investigation into this issue [the video]. and take action in accordance with the laws of the land."

On May 12, former army intelligence officer Kandegedara Priyawansa told a magistrate that a Terrorist Investigation Division (TID) officer in charge instructed Priyawansa to claim that a top army official was involved in the 2009 killing of the former chief editor of the Sunday Leader newspaper, Lasantha Wickrematunga, by four assailants. The main suspect in Wickrematunga's killing, Pitchai Jesudasan, reportedly died of a heart attack in Colombo on October 15. The suspect was in jail for more than two years and was apprehended for allegedly possessing Wickrematunga's subscriber identity module (SIM) card. Human rights observers expressed skepticism about the significance of any role Jesudasan had in Wickrematunga's death.

b. Disappearance.—Enforced and involuntary disappearances continued to be a problem, although the number of such disappearances appeared to decline from previous years. Many disappearances appeared to be politically motivated, but during the year there also were increasing reports of disappearances connected with extortion and other criminal activity, sometimes involving government actors.

Local residents blamed abductions in the Jaffna Peninsula on security forces or members of the EPDP. Some disappearances appeared to be politically motivated, targeting civil society activists and persons believed to be LTTE sympathizers. On December 9, Lalith Kumar Weeraraj and Kugan Muruganandan, two activists from the dissident section of the Janatha Vimukthi Peramuna (JVP) opposition party, disappeared in Jaffna after leaving their residence. Muruganandan's motorbike was later found by the police. Weeraraj had been active in raising human rights concerns faced by the Tamil people, such as disappearance and detention issues. He had been threatened, assaulted, and detained by security forces on previous occasions. On December 15, cabinet spokesperson Minister Keheliya Rambukwella told the media that the two activists had not disappeared but that "they are here" without specifying a location. The activists remained missing at year's end.

There were reports of abductions and beatings of released former combatants. For example, Jaffna University student and ex-LTTE combatant Vetharaniyam Lathees was abducted on November 27 following a candlelight vigil in commemoration of LTTE "Martyrs' Day" and released the following day. As of year's end, he had not disclosed who abducted or released him.

In July a police official told the media that a report compiled by the police department found that 1,700 persons were abducted in 2009-10, including 926 abducted in 2009 and 774 abducted in 2010. According to police, most of the abductions appeared motivated by extortion. Police took legal action in 275 cases, while 202 suspects were yet to be identified. In its annual report released January 26, the U.N. Working Group on Enforced and Involuntary Disappearances noted 5,653 outstanding cases from Sri Lanka as of the end of 2010.

The LLRC stated in its December report to the president that it was "alarmed by a large number of representations made alleging abductions, enforced or involuntary disappearances, and arbitrary detention" and stated that the government is therefore "duty bound to direct the law enforcement authorities to take immediate steps to ensure that these allegations are properly investigated into and perpetrators brought to justice."

There was no significant progress made with regard to the thousands of disappearances from past years. There was an instance where an investigation into a disappearance clarified the fate of the missing person: on July 28, police found the body of the managing trustee of the nongovernmental organization (NGO) Community Trust Fund (CTF), Pattani Razeek, who had disappeared in February 2010. Police arrested a former CTF employee Shahabdeen Nowshaadh on July 8 and another suspect, Ismail Mohamed Musdeen, on July 13. Nowshaadh was released on bail, and Musdeen remained in Mahara Remand Prison at year's end. The case was scheduled to be heard in court in February 2012.

There was no significant progress in the case of Prageeth Ekneligoda, a journalist and cartoonist for Lanka-e-news, who disappeared in January 2010, just before the presidential election. On August 22, a court of appeal directed the Homagama Magistrate to inquire into Ekneligoda's disappearance and present its findings in January 2012. On November 11, Mohan Pieris, the senior legal advisor to the cabinet and former attorney general, claimed in a question-and-answer session following a presentation to the U.N. Committee against Torture (CAT) that Ekneligoda was alive, had secretly left Sri Lanka, and was living abroad. A November 15 news Web site report alleged, however, that United Peoples Freedom Alliance (UPFA) member of parliament (MP) Duminda Silva's assistant, Dematagoda Chaminda, told CID officers that he and his associates dumped Ekneligoda's body in the sea at the direction of Silva, under orders from Defense Secretary Gotabhaya Rajapaksa. Chaminda had been arrested in connection with the October 8 killing of a former MP, Bharata Lakshman Premachandra (see section 3).

On July 11, the Ministry of Defense published the results of a UNICEF report on the work of the Family Tracing Unit. The unit received nearly 2,500 tracing requests since its establishment in 2009, of which 676 concerned children. Approximately 10 percent of these children later were matched with children's names found in hospital and other records. According to UNICEF data, 64 percent of the children had been recruited by the LTTE prior to their disappearance. In July the government authorized UNICEF to establish additional family tracing units in the north of the country. UNICEF still had a caseload of 1,373 missing children recruited by the LTTE during the cease-fire period.

Aside from the Razeek case, the government did not publish the results of any investigations into past disappearances, nor did it publish information on any indictments or convictions of anyone involved in cases related to disappearances.

There was no progress in solving the 2009 disappearance of Stephen Suntharaj, project manager at the Center for Human Rights and Development. Suntharaj was held by police without charges beginning in February of that year and was abducted by four persons in a white van wearing army uniforms shortly after he was released on a court order.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law makes torture a punishable offense and mandates a sentence of not less than seven years' imprisonment. However, there were credible reports that security forces tortured and abused citizens.

The CAT considered the combined third and fourth periodic reports of Sri Lanka on November 8 and 9 and adopted its concluding observations on November 22 and 23. The committee expressed serious concern "about the continued and consistent allegations of widespread use of torture and other cruel, inhuman or degrading treatment of suspects in police custody." Other concerns included the lack of information on the implementation of the Convention against Torture; failure to uphold judicial and procedural safeguards of detainees; reports of secret detention centers; enforced disappearances; the replacement of the Emergency Regulations with problematic Prevention of Terrorism Act (PTA) regulations; intimidation and harassment of human rights defenders, lawyers, journalists, and others; overcrowding and poor conditions in prisons; impunity for acts of torture; and a lack of witness protection.

The Freedom from Torture (FFT) submission to the CAT for its examination of Sri Lanka concluded based on evidence in medico-legal reports that "torture perpetrated by state actors within both the military and police has continued in Sri Lanka after the conflict ended in May 2009 and is still occurring in 2011." It also found that those at particular risk of torture include Tamils who had an actual or perceived association with the LTTE.

No accurate publicly released statistics on reported torture cases were available. The Asian Human Rights Commission (AHRC) compiled 1,500 cases of police torture between 1998 and 2011 and issued a report in June summarizing 323 of the most serious cases. As of October the AHRC had received 102 reports of police torture.

Former TID detainees at Boosa Prison in Galle confirmed reports of torture methods used there. These included beatings, often with cricket bats, iron bars, or rubber hoses filled with sand; electric shock; suspending individuals by the wrists or feet in contorted positions; abrading knees across rough cement; burning with metal objects and cigarettes; genital abuse; blows to the ears; asphyxiation with plastic bags containing chili pepper mixed with gasoline; and near-drowning. Detainees reported broken bones and other serious injuries as a result of mistreatment.

In the east and the north, military intelligence and other security personnel, sometimes working with armed paramilitaries, were responsible for the documented and undocumented detention of civilians suspected of LTTE connections. Detention reportedly was followed by interrogation that frequently included torture. There were reports that detainees were released with a warning not to reveal information about their arrest or detention, under the threat of rearrest or death.

Human rights groups alleged that some security forces believed torture to be allowed under specific circumstances. Several former LTTE combatants released from rehabilitation centers reported torture or mistreatment, including sexual harassment, by government officials while in rehabilitation centers. Responding to questions on reports of torture and abuse, a police spokesman told the media in June that police training suffered during the war. The police endorsed incorporating a full human rights curriculum and lesson plan developed by U.N. Office of the High Commissioner for Human Rights into the police training curriculum during the year.

Members of the security forces beat and otherwise abused criminal suspects and others. For example, Devarathnam Yogendra alleged that police officers abducted, beat, and threatened him January 15, following a complaint he made in a bribery case against a Hatton Police Station inspector.

While the government has categorically denied the existence of unacknowledged detention facilities, there were credible allegations from national and international NGOs of undisclosed government facilities where suspected LTTE sympathizers were taken, tortured, and sometimes killed. The CAT examined such allegations and noted in its findings that it was "seriously concerned about reports received from nongovernmental sources regarding secret detention centers run by the Sri Lankan military intelligence and paramilitary groups where enforced disappearances, torture and extrajudicial killings have allegedly been perpetrated."

In recent years human rights organizations reported that, while not actively arresting and prosecuting lesbian, gay, bisexual, or transgender (LGBT) persons, po-

lice harassed and extorted money or sexual favors from those persons and assaulted gays and lesbians in Colombo and other areas. This led to underreporting of crimes against members of the LGBT community.

There were reports that individual cases of gender-based violence perpetrated by members of the security forces occurred in areas with heavy security force presence, but others stated that military officials were responsive to reports of such incidents and showed a willingness to prosecute the offenders. The government did not release any details about prosecutions or punishments for such offenses, and some observers suggested that there was reluctance by victims to report such incidents in northern and eastern areas where security forces were prevalent. Statistics on numbers of such cases also were unavailable because few victims reported such incidents.

There have been a number of credible reports of sexual violence against women where the alleged perpetrators were armed forces personnel, police officers, army deserters, or members of militant groups. A number of women did not lodge official complaints out of fear of retaliation. In its November 7 "Out of the Silence: New Evidence of Ongoing Torture in Sri Lanka" report, the FFT reviewed 35 medicolegal reports of detainees and found evidence of rape, sexual assault, and violence to sexual organs. The reports states: "Of the 27 male cases in the sample overall, 15 experienced sexual violence (55 percent) and of the eight female cases in the sample, six experienced sexual violence (75 percent). All but one of the episodes of physical violence to sexual organs (all male) and sexual assault (both male and female) are reported to have taken place during torture and interrogation sessions for both men and women. While all instances of rape (both male and female) are reported to have been perpetrated in cells by guards or by officers usually at night, sometimes repeatedly and sometimes by more than one individual."

Prison and Detention Center Conditions.—Prison conditions were poor and did not meet international standards due to overcrowding and the lack of sanitary facilities. In many cases prisoners reportedly slept on concrete floors and often lacked natural light or sufficient ventilation. According to prison officials and civil society sources, prisons designed for approximately 11,000 inmates held an estimated 32,000 prisoners. More than 13,000 of these prisoners either were awaiting or undergoing trial. There were approximately 1,400 female prisoners. In some cases juveniles were not held separately from adults. Pretrial detainees often were not held separately from those convicted. Petty criminals and sexual offenders often were incarcerated with perpetrators of more serious crimes. Female prisoners were held separately from male prisoners and in generally poor conditions. For example, in Welikada Prison 650 female prisoners occupied a ward built for 150, with 75 female inmates sharing two bathrooms. Authorities acknowledged poor prison conditions but noted a lack of space and resources as determining factors. The government planned to relocate and expand several prison facilities and was working with the International Committee of the Red Cross (ICRC) to modernize its prison system.

Aside from those held in informal detention facilities, prisoners and detainees were allowed access to family members. Prisoners and detainees were permitted religious observance. There were no ombudsmen to handle prisoner complaints. There were alternatives to incarceration for nonviolent offenders, including community service and community-based corrections alternatives. Community-based corrections included elements of rehabilitation and counseling in addition to community service work.

Magistrates were mandated to visit prisons once a month to monitor conditions and hold private interviews with prisoners. In practice this regularly did not happen as the backlog of cases in courts made it difficult for magistrates to make prison visits. The government permitted independent human rights observers and the ICRC to visit regular and remand prisons. The government did not provide access to any detention facilities operated by military intelligence, stating that none existed. The ICRC was not allowed to visit suspected illegal detention facilities operated by paramilitary groups.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, in practice such incidents frequently occurred. There were frequent reports throughout the year of victims randomly selected by police to be arrested and detained on unsubstantiated charges. For example, on October 17, Chulani Thilakaratne was allegedly assaulted and arbitrarily arrested by two drunken plainclothes officers. His wife and several relatives came to the police station that evening and complained to the officer-in-charge, who released Thilakaratne to them.

Under the arrest and detention standards imposed by the Emergency Regulations and the PTA, the law does not clearly define what constitutes an arbitrary arrest. Although parliament allowed the Emergency Regulations to lapse August 31, many of the Emergency Regulations' powers could be found in the PTA. The PTA has

similar sweeping powers of search, arrest, and detention. It allows for detainees to be held for up to 18 months and indefinitely pending trial. Many detainees thus continued to be held arbitrarily for prolonged periods without charge, including in irregular places of detention. On August 30, the day before the Emergency Regulations lapsed, the president issued new regulations under the PTA incorporating into it aspects of the Emergency Regulations that the PTA did not already include. Among the regulations were measures proscribing the LTTE as a terrorist organization and keeping surrendered persons under rehabilitation.

Human rights groups estimated that approximately 5,000 to 6,000 LTTE suspects were in regular detention centers. An unknown additional number of unidentified detainees, estimated by some organizations to be as high as 3,000, were thought to be held in police stations, the CID, the TID, army or paramilitary camps, or other informal detention facilities on suspicion of involvement in terrorism-related activities. Many of these detainees were detained incommunicado without charge or trial.

Of the approximately 11,600 LTTE combatants who surrendered at the end of the war, reports indicated that 10,200 had been rehabilitated and released and approximately 700 remained in rehabilitation centers. Authorities considered 700 "hardcore" former combatants to be potentially criminally liable and transferred them to the criminal justice system. Reintegration of former combatants released from rehabilitation remained challenging due to intensive surveillance by the military, social stigma (some people were afraid to associate themselves with ex-combatants who regularly had to report to the army), employment difficulties, and psychological trauma. Several released ex-combatants reported torture or mistreatment, including sexual harassment, by government officials while in rehabilitation centers.

Role of the Police and Security Apparatus.—The inspector general of police (IGP) is responsible for the nearly 90,000-member Sri Lanka Police Service (SLPS). The SLPS conducts civilian police functions, such as enforcing criminal and traffic laws, enhancing public safety, and maintaining order. The IGP reports to the secretary of the Ministry of Defense (in a separate chain of command from that of the armed forces and other military units). The nearly 6,000-member paramilitary STF is within the structure of the SLPS, although joint operations with military units in the past led to questions among observers about who actually was directing the STF. Throughout the year the president repeatedly used the Public Security Ordinance to call out the armed forces, maintaining the military's prominent role in police functions. There was no independent authority to investigate complaints.

Few police officers serving in Tamil-majority areas were Tamil, and most did not speak Tamil or English, although the government began hiring and training ethnic Tamils in an effort to improve this situation. In January 320 Tamil men and 16 Tamil women were inducted into the police. In December government officials stated that there were more than 600 Tamils in the police force. The LLRC report acknowledged the recruiting of Tamil-speaking police officers, but noted with regret that its 2010 interim recommendation - that public offices have interpreters to facilitate communication until long term programs are put in place - had not been implemented. In its final report, the LLRC stated that government officers should possess language skills to serve in any part of the country and recommended that police stations have bi-lingual officers on duty on a 24-hour basis.

Widespread impunity persisted, particularly for cases of police torture, corruption, human rights abuses, and attacks on media institutions. For example, the government consistently failed to solve attacks on journalists, such as the 2009 killing of Sunday Leader editor Lasantha Wickrematunge, the January 2010 abduction of Prageeth Ekneligoda (see section 1.b.), and the July 29 attack on Uthayan news editor Gnanasundaram Kuhanathan (see section 2.a.). The failure of police to apprehend the assailants in such cases highlighted the high level of impunity in an environment in which law enforcement possessed widespread powers of detention and surveillance but failed to solve cases of attacks on those critical of the government. Evidence of serious violations of international humanitarian law and international human rights law in the final stages of the war continued to mount, but the government refused to acknowledge credible allegations that members of the armed forces were involved in such incidents.

The government did not conduct any further inquiries into the high-profile cases investigated by the 2006 Presidential Commission of Inquiry (COI), including the 2006 killing of 17 local staff of the French NGO Action Against Hunger (ACF) in Mutur. The COI was disbanded in 2009 without issuing a public report, and with reports that the commission had blamed ACF for allowing its workers to be in an unsafe location, at the same time exonerating all government security forces from any possible involvement in the killing of the aid workers.

A separate commission set up under retired Supreme Court justice Mahanama Tillekeratne to investigate abductions, disappearances, killings, and unidentified

bodies was to submit a final report to the president early in 2010. Although the commission gave an interim report to President Rajapaksa in February 2010, and the commission's mandate ended in March 2010, there was no indication that a final report was given to the president.

The government prosecuted a small number of security force personnel who allegedly committed human rights abuses, but it generally did not seek to identify the great majority of those responsible for such abuses or bring them to justice. Case law generally failed to uphold the doctrine of command responsibility for human rights abuses.

Arrest Procedures and Treatment While in Detention.—Under the law authorities are required to inform an arrested person of the reason for arrest and bring that person before a magistrate within 24 hours, but in practice several days and sometimes weeks or months elapsed before detained persons appeared before a magistrate. A magistrate could authorize bail or continued pretrial detention for up to three months or longer. There were restrictions on bail for security detainees, as judges needed approval from the Attorney General's Office to authorize bail for persons detained under the PTA. In practice judges normally did not grant bail in PTA-related cases. Police do not need an arrest warrant for certain offenses, such as murder, theft, robbery, and rape. In the case of murder, the magistrate is required to remand the suspect, and only the High Court can grant bail. In all cases suspects have the right to legal representation; however, there is no legal provision specifically protecting the right of a suspect to demand legal representation during interrogations in police stations and detention centers. There were credible reports that detainees often did not have a lawyer present at the time of interrogation. Counsel is provided for indigent defendants in criminal cases before the High Court and courts of appeal, but not in other cases.

Police could detain a person for a period of not more than one year under detention orders issued by a deputy inspector general of police or by the defense secretary. The defense secretary extended some detentions beyond one year under the PTA.

An unidentified inmate at Anuradhapura Prison told the media that he witnessed prison guards shooting at prisoners protesting prison conditions January 24. The guards killed one person and injured 24 others, according to hospital authorities.

Arbitrary Arrest.—NGOs and individuals complained that the armed forces and their paramilitary allies detained suspected LTTE sympathizers and did not surrender them to the police, blurring the line between arrests and abductions.

Credible reports alleged that security forces and paramilitaries sometimes tortured and killed those arrested rather than follow legal safeguards, although this appeared to diminish after the end of the war.

Pretrial Detention.—The judicial process moved slowly, and more than half of those in prison either were awaiting or undergoing trial. More than 1,000 prisoners awaiting trial had spent over two years in remand. Trial delays often were caused by lengthy legal procedures, large numbers of detainees, judicial inefficiency, and corruption. Legal advocacy groups asserted that it was common for the length of detention to equal or exceed the sentence for the alleged crime. On July 9, a group of prisoners detained for years without trial in Vavuniya Prison began a hunger strike, demanding that their cases be brought before a court.

Those under administrative detention did not enjoy the same rights as those awaiting trials. For example, lawyers were required to apply for permission from the TID to meet clients detained at the Boosa Detention Centre and were not able to meet detainees without police presence. Pretrial detainees did not have the right to legal counsel during questioning by the police.

Persons convicted and undergoing appeal did not receive credit towards their original sentence for time served in prison while the appeal continued. Appeals often took several years to resolve.

Amnesty.—The president granted amnesty to a number of prisoners throughout the year, sometimes for national holidays or other occasions. For example, on February 4, the president granted amnesty to 1,669 inmates convicted of minor offenses.

e. Denial of Fair Public Trial.—Following the September 2010 passage of the 18th amendment, executive influence over the judiciary significantly increased. The 18th Amendment repealed the 17th Amendment and eliminated the Constitutional Council, a multiparty body created to name members of independent judicial, police, human rights, and other commissions. In place of the Constitutional Council, the 18th Amendment established the Parliamentary Council, which submits nonbinding advice on appointments to the president, who has sole authority to make direct ap-

pointments to the commissions. The president also directly appoints judges to the Supreme Court, High Court, and courts of appeal.

There were trials during the year where the outcomes appeared predetermined. For example, on November 18, a Colombo High Court found former army commander and opposition presidential candidate Sarath Fonseka guilty of spreading the "white flag" rumor, which "could arouse communal feelings," under the now lapsed Emergency Regulations and sentenced him to three years' imprisonment. There was widespread recognition that the trial was politically motivated (see Political Prisoners and Detainees section below for more information on the Fonseka case).

There was no procedure in place to address the legal status of former LTTE combatants held in rehabilitation centers. Lawyers who defended human rights cases sometimes were under physical and verbal threats.

Trial Procedures.—Defendants are presumed innocent. In criminal cases juries try defendants in public. Defendants are informed of the charges and evidence against them, and they have the right to counsel and the right to appeal. There are no formal procedures for ensuring how quickly arrested persons may contact family or a lawyer; in practice they are allowed to make calls on their mobile phones to such persons. The government provides counsel for indigent persons tried on criminal charges in the High Court and the courts of appeal but not in cases before lower courts. Private legal aid organizations assisted some defendants. Juries were not used in cases brought under the PTA, but defendants in such cases had the right to appeal. Defendants had the right to confront witnesses against them, present witnesses and evidence, and access government-held evidence, such as police evidence.

Confessions obtained by coercive means, including torture, are inadmissible in criminal courts, except in PTA cases. Defendants bear the burden of proof, however, to show that their confessions were obtained by coercion.

The law requires court proceedings and other legislation to be available in English, Sinhala, and Tamil. In practice most courts outside of Jaffna and the northern parts of the country conducted business in English or Sinhala. A shortage of court-appointed interpreters restricted the ability of Tamil-speaking defendants to receive a fair hearing in many locations, but trials and hearings in the north were in Tamil and English. Few legal textbooks existed in Tamil.

Political Prisoners and Detainees.—During the year the government detained and imprisoned a number of persons for political reasons. The government permitted access to such persons on a regular basis by international humanitarian organizations.

Most prominent among political prisoners was the main opposition candidate in the 2010 presidential election, former army commander Sarath Fonseka. The military detained Fonseka in February 2010, and he remained in detention. The accusations made against Fonseka after he initially was detained were vague, with suggestions by government officials that he had been plotting a coup. After more than a month, formal charges were brought under two courts-martial on corruption in military procurement and violating military regulations by engaging in politics as a serving military officer. Fonseka later was charged in civil court under the PTA for allegedly fomenting civil unrest by making statements in 2009 to the press about Defense Secretary Gotabhaya Rajapaksa's alleged order that surrendering LTTE cadres be shot (the "white flag" incident). Fonseka denied making these claims.

In August 2010 the two courts-martial found Fonseka guilty of the corruption charges and of engaging in politics while in the military and sentenced him to 30 months in prison. He also was stripped of his rank and pension and his parliamentary seat; in addition, all references to Fonseka on military plaques, etc., were ordered expunged. On November 18, the Colombo High Court found Fonseka guilty of spreading the "white flag" rumor and sentenced him to three years' imprisonment, to be served after the completion of the courts martial sentence. Fonseka's appeal against the courts martial sentence was dismissed by the Court of Appeal December 16. The court found that Fonseka failed to prove his charges that the members of the second court martial were biased.

A number of human rights organizations accused Fonseka of being involved in a wide range of human rights abuses during the war, including extrajudicial killings, disappearances, and indiscriminate firing on civilians in the war zone. Nevertheless, many independent observers concluded that Fonseka was detained, prosecuted, and sentenced for political reasons, because of the initial lack of clarity in the allegations against him, the fact that no formal charges were brought against him for more than a month after his detention, the selective way in which laws ultimately were applied (some progovernment military officers spoke publicly in favor of the president during the campaign and were not charged or punished similarly), and the dis-

proportionate nature of the sentences in the courts martial, which appeared to be designed to humiliate Fonseka.

Authorities arrested 22 other individuals involved with Fonseka's campaign, most in connection with the allegations of a coup attempt. By November 2010, however, all 22 were released from detention with no charges pending, leaving only Fonseka in prison.

There were other cases in which persons were detained for what appeared to be simply their opposition to the government and its top leaders. For example, on May 26, military police arrested seven JVP members for putting up posters critical of the government.

Civil Judicial Procedures and Remedies.—Citizens were allowed to file fundamental rights cases to seek redress of human rights violations. The judiciary exhibited some independence and impartiality in adjudicating these types of cases, and plaintiffs were awarded damages in a number of instances. Observers cited bureaucratic inefficiencies in this system, leading to delays in the resolution of many cases. Where damages were awarded, there were relatively few problems in enforcing the court orders.

Property Restitution.—The military seized significant amounts of land during the war to create security buffer zones around military bases and other high-value targets, which the government called high security zones (HSZs). The declaration of HSZs displaced large numbers of persons, particularly in the Jaffna Peninsula, who did not receive restitution for their lands. A degree of progress was made in reducing the size of the HSZs during the year, with some lands being demilitarized. Many of those affected by the HSZs continued to complain, however, that the pace of these returns was too slow and that the government was holding back on the return of lands it might see as economically valuable. The government cited the need to conduct careful demining prior to the handover of these lands, but questions persisted about whether land cleared of mines was always returned immediately to its original owners. Although there was no legal framework for HSZs following the lapse of Emergency Regulations on August 31, they still existed and remained off-limits to civilians.

Residents of an area of Sampur Special Economic Zone, which partly overlapped with an HSZ, were denied access to 2,795 acres of land demarcated for a coal power project. On October 21, Economic Development Minister Basil Rajapaksa declared in parliament that residents would be allowed to resettle into the area once land acquisition for the project was complete. He added that the government would pay compensation for the lands to be acquired, although residents had not received compensation at year's end.

On November 9, parliament passed the "Revival of Underperforming Enterprises and Underutilized Assets" bill, which empowered the government to take over the assets of 37 firms. The bill had been printed and presented to parliament one day earlier, on November 8, providing little time for debate in parliament or in public on the bill. Although most of the companies targeted were defunct, several were operating, including the profitable Sevenagala Sugar Industries owned by Daya Gamage, a prominent member of the opposition United National Party. In presenting the budget to parliament in November, President Rajapaksa identified 91,420 acres of tea plantation land the government was considering taking over under the Underutilized Assets law.

The LLRC report acknowledged that some HSZs had been reduced, but it noted that a large number of persons continued to be displaced. The LLRC recommended that all families who had lost lands and/or houses due to formal HSZs, or to other informal ad hoc security related needs, be given alternate land and/or compensation paid according to applicable laws.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law provides for the right to privacy; however, the government infringed on these rights, particularly when conducting cordon and search operations in Tamil neighborhoods. Security forces conducted searches of property and engaged in wiretapping and surveillance of private citizens with little judicial oversight. Seizure of private lands by various actors remained a problem across the country.

Land ownership disputes between private individuals in former war zones also escalated during the year, as many former residents began returning to areas they had left many years before. Multiple displacements occurred in the northern and eastern areas over the many years of war, and land often changed hands several times. Documentation of land claims was difficult for a number of reasons. Many persons who had been displaced multiple times were not able to preserve original land deeds as they moved and some official government land records were damaged or destroyed during intense fighting between government and LTTE troops. On July

29, the Ministry of Land and Land Development issued a circular establishing a process to collect and adjudicate land claims in the north and east. NGO observers questioned the effectiveness of the framework proposed due to its lack of substantive criteria for how cases should be adjudicated, its complex claim form, and its reliance on decision-making bodies composed of government and military officials with no training and, at best, a limited background in land adjudication. The Court of Appeal suspended implementation of the circular November 9 for reconsideration, and it was scheduled to hear the case again in January 2012.

There were reports of government-aided resettlement of Sinhala families from the south into traditionally Tamil areas. For example, the military helped move 165 Sinhala families into the village of Kokkachchaankulam in Vavuniya, and these families were issued land permits. There also were reports that the government had taken measures to resettle Sinhala families on Tamil lands in Batticaloa District, including 170 families in Kevuilyamadu and 230 families in Kachchakkodi Chuvaamimalai. Tamil members of parliament raised concerns about such resettlements in parliament, alleging a process of "Sinhalization" had begun in the north and east.

On December 7, the government withdrew an amendment to the Town and Country Planning Ordinance that would have broadened the power of authorities to acquire private lands, including within municipal and urban areas, for economic, social, historical, environmental, and religious purposes. The amendment's stated goal was to promote and regulate integrated planning and development for infrastructure. The government withdrew the bill following a Supreme Court determination that the legislation could not be enacted without the approval of provincial councils.

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, but the government did not respect these rights in practice. Government officials criticized, pressured, harassed, and arrested members of the media, and most journalists practiced self-censorship.

The LLRC report stated that it was "deeply disturbed by persistent reports concerning attacks on journalists and media institutions and killing of journalists and the fact that these incidents remained to be conclusively investigated and perpetrators brought to justice.[a]ny failure to investigate and prosecute offenders would undermine the process of reconciliation and the [r]ule of [l]aw." The LLRC recommended steps be taken to prevent harassment and attacks on media personnel and institutions and priority be given to investigate and prosecute those responsible for such incidents.

Freedom of Speech.—The constitution protects the right to free speech. However, it is subject to a host of restrictions including public morality and national security. The government attempted to impede criticism through the year, including through harassment, intimidation, violence, and imprisonment. The government monitored political meetings, particularly in the north and east. There also were credible reports that civilian and military officials questioned local residents and groups who met with foreign diplomats regarding the content of their meetings.

Freedom of the Press.—The government owned one of the country's largest newspaper chains, two major television stations, and a radio station. However, private owners operated a variety of independent newspapers, journals, and radio and television stations. The government imposed no political restrictions on the establishment of new media enterprises. However, the government restricted the construction of transmission towers in the north. It built a new tower in the Vanni but blocked private stations from building towers.

Violence and Harassment.—National and international media freedom organizations and journalists' associations expressed concern over restrictions on media freedom and were sharply critical of the government's role in harassing and intimidating journalists.

Senior government officials repeatedly accused critical journalists of treason and often pressured editors and publishers to print stories that portrayed the government in a positive light. This pressure reportedly was exerted sometimes directly through threats and intimidation. For example, international media reported that President Rajapaksa personally telephoned the chairman of The Sunday Leader, Lal Wickrematunge, on July 19, about an article reporting that China had given money to the president and his son to be used "at their discretion." Approximately 100 posters with the words "Do not lie!" and "The gods will punish you" appeared on the walls of the newspaper's headquarters.

Although no journalist was reported killed or abducted during the year, frequent threats, harassment, and attacks on media personnel continued. Statements by government and military officials contributed to an environment in which journalists who published articles critical of the government felt under threat.

At an event in Katunayake on November 20, Public Relations and Public Affairs Minister Mervyn Silva stated that there were "lowly so-called journalists who insult important persons" and that they should book coffins for themselves.

In a September 1 telephone conversation, UPFA southern provincial council member Aruna Gunaratne threatened to kill Daily Mirror Matara correspondent Krishan Jeewaka Jayaruk if he published a story about Gunaratne. Jayaruk recorded the conversation and filed a complaint regarding the death threat with the Matara police.

On July 29, unidentified men attacked news editor Gnanasundaram Kuhanathan of the Jaffna-based Uthayan newspaper with iron rods. On August 15, police arrested two suspects, including one described as a "major underworld figure," although some expressed doubts about the suspects. The case was filed in the Jaffna Magistrate's Court, and at year's end the Attorney General's Office was considering filing charges against the suspects. Uthayan came under attack repeatedly in past years, and several of its journalists were killed.

On January 31, unknown perpetrators firebombed the premises of pro-opposition news Web site Lanka-e-news. While numerous observers implicated government agents in the attack, state media suggested that the staff of Lanka-e-news was responsible. Authorities arrested Lanka-e-news editor Bennet Rupasinghe and journalist Shantha Wijesooriya and subsequently released them in the following months, and a magistrate's court suspended Lanka-e-news operations from April 28 to May 12 because of a contempt case pending against Wijesooriya.

There was no progress in the investigation of the July 2010 arson attack on the Siyatha television premises.

Censorship or Content Restrictions.—Police, under the authority of the Ministry of Defense, reportedly maintained a special unit to monitor and control all references in the media to members of the Rajapaksa family. Official pressure reportedly was exerted sometimes through orders to government and private firms to cease advertising in critical newspapers. While media could operate freely, independent and opposition media practiced self-censorship. Media freedom suffered from severe government pressure throughout the island, and most journalists practiced self-censorship, particularly on the issues of accountability and criticism of government officials.

A popular Sinhala language political satire, And Company,which portrayed the government as a company, received threats early in the year. The producer and main actor were threatened by a group in a white van and subsequently removed the character Chinthana (representing President Rajapaksa) from the program.

Libel Laws/National Security.—In 2009 the government officially reactivated the Press Council Act of 1973. This act, which includes power to impose punitive measures including fines and lengthy prison terms, proscribes the publishing of articles that discuss internal communications of the government, decisions of the cabinet, matters relating to the military that could affect national security, and details of economic policy that could lead to artificial shortages or speculative price increases.

Nongovernmental Impact.—Progovernment paramilitary groups/gangs inhibited freedom of expression, particularly in the north. Members of the EPDP allegedly were involved in harassment and attacks on journalists, including the July 29 attack on Uthayan's Kuhanathan.

Internet Freedom.—The government restricted access to the Internet, including Web sites it deemed pornographic as well as Web sites it deemed critical of the government. There were suspicions that the government was behind the blocking of Internet access to several Tamil news Web sites, including the pro-LTTE TamilNet. On October 18, major Sri Lankan telecom companies Sri Lanka Telecoms and Mobitel blocked access to lankaenews.com, a sensationalist news Web site critical of the government. On June 20, the government temporarily blocked citizen journalism site groundviews.org; groundviews' Sinhala partner site, vikalpa.org; Transparency International Sri Lanka's Web site; and news aggregator infolanka.com. Some observers believed the one-day shutdown to be a warning to the sites. On November 5, the Ministry of Mass Media and Information announced that it requires all Web sites carrying Sri Lankan news to register. It based its action on "complaints" about material published by certain Web sites that were "injurious to the image of the country, the head of the state, ministers, senior public officials, and other important persons." The ministry began blocking sites carrying news critical of the government. Of the five sites blocked, four remained blocked at year's end.

Academic Freedom and Cultural Events.—There were allegations that university officials, in many cases from the ranks of academia, prevented professors from criticizing government officials. Some academics noted that the environment of intimidation led to self-censorship. There also were concerns of military encroachment into universities. For example, on September 22, a group of academics issued a statement protesting a decision by the Higher Education Ministry to hand over the security of universities to Rakna Arakshaka Lanka Ltd, a government-owned commercial security venture established under the Ministry of Defense and under the direct supervision of the defense secretary. Observers also expressed concerns regarding a mandatory week-long leadership training program held in army camps around the country for students who qualified to enter universities. The training program began May 23 and was conducted by the military under the supervision of university authorities. On June 3, the Supreme Court rejected without trial five petitions that requested the annulment of the leadership training program.

On October 16, in Jaffna an unidentified group assaulted Jaffna University Students' Association leader Subramaniyam Thavapalasingham with iron rods. The attackers reportedly asked him whether he wanted a separate state. Another student, Rajavarothayan Kavirajan, who had protested against the assault of Thavapalasingham, was allegedly attacked by a military intelligence unit in Kilinochchi October 24. He was seriously injured and admitted to the Intensive Care Unit of the Jaffna Teaching Hospital. At year's end the investigation into the attack had identified no suspects.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly, but the government did not respect this right in practice, and some restrictions existed. The government required that army representatives be present at public assemblies in the north. There were a number of cases in which security forces restricted participation in demonstrations. On December 10, police detained a group of 42 human rights defenders and political activists from the south in Jaffna and prevented them from attending a protest to mark International Human Rights Day. Police reportedly responded with excessive force to violent protests in Dambulla and Bandarawela following a December 12 government regulation to make plastic crates compulsory when transporting vegetables and fruits.

On August 22, police arrested 102 protesters demonstrating against a series of attacks on women by "grease devils," elusive figures who reportedly greased themselves to avoid capture and, for several months during the year, assaulted and robbed victims, predominantly in the north and east. Police assaulted many of those arrested following an attack on an army detachment in which two military vehicles were damaged. Army officials dropped the charges against those arrested. On September 27, the Supreme Court supported a fundamental rights case filed by petitioners who were arrested during these reprisals. The hearing date was scheduled for February 2012.

There were informal barriers to assembly on a number of occasions. For example, on June 23, a large military contingent obstructed a demonstration in Kilinochchi in support of missing persons.

In the weeks leading up to the July 23 local council elections, the Tamil National Alliance (TNA) filed four complaints with the election commissioner against security personnel who threatened candidates and detained persons to prevent them from attending election meetings. On June 16, approximately 50 army personnel assaulted TNA MPs and their supporters at the first local government election campaign meeting held by the TNA near Jaffna. While the military commander in Jaffna initially expressed regret over the incident, an official inquiry claimed that the incident was the result of a clash between the army and the ministerial security division personnel protecting the TNA MPs. The government did not take further action on the case by year's end.

Freedom of Association.—The law provides for freedom of association, but the government did not always respect this right in practice. Some restrictions existed, such as those under the Emergency Regulations before their lapse. The government often used informants to target individuals for arrests and interrogation based on their association.

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 grants every citizen "freedom of movement and of choosing his residence" and "freedom to return to the country." In practice, however, the government restricted this right on multiple occasions.

The government generally cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations; however, it restricted access to the north by NGOs and some international organizations, requiring them to obtain authorization for projects and access from the Presidential Task Force. While the U.N. and its organizations were given fairly effective access, other international NGOs had difficulty operating projects they saw as needed. There were reports in November that the military was asking for project reports from humanitarian agencies in Kilinochchi and Batticaloa, despite an earlier agreement that the agencies would interface only with the civilian administration.

In-country Movement.—The government restricted in-country movement through widespread police and military checkpoints in the north and east, which made it difficult for many to travel even short distances, particularly at night. The number of such checkpoints in Jaffna, however, appeared to decline during the year. The number of temporary checkpoints, as well as formal, stationary checkpoints, in Colombo also appeared to decline from the previous year.

On July 13, the government lifted the requirement for foreign passport holders to obtain Ministry of Defense clearance for travel to the north. The government continued security checks on movements in all directions north of a key junction near Medawachiya, although there were fewer than during and immediately after the war.

Limited access continued near military bases and the HSZs where civilians could not enter. The HSZs extended in an approximately 2.5-mile radius from the fences of most military camps and restricted access to those trying to earn their livelihood, unfairly affecting Tamil agricultural lands, particularly in the Northern Province.

Exile.—The government did not expel citizens from one part of the country to another, nor did it forcibly exile any citizens abroad, but it allowed citizens to leave the country under self-exile unless they were accused of breaking the law. More than a dozen journalists, having received physical threats, were in self-exile due to safety fears.

Internally Displaced Persons (IDPs).—The country had a significant population of IDPs. Almost all IDPs were ethnically Tamil, although approximately 80,000 of the total displaced population were Tamil-speaking Muslims displaced by the LTTE in 1990. The government made steady progress by year's end in resettling all but approximately 7,000 of the 288,000 IDPs who were displaced in the last year of the conflict. Many in this group of IDPs were from areas in the Mullaitivu District, which remained heavily mined due to intense conflict during the final stages of the war and were unlikely to be opened to returnees for years.

In addition to this group of newer IDPs, there were an estimated 157,000 displaced Tamils displaced prior to the last major offensive by the military in 2008. It was unclear at year's end how or when they might return to their places of origin, or whether some would prefer to settle permanently at their current location after being displaced for many years. Some returns of pre-2008 IDPs occurred throughout the year.

Among the long-term displaced were approximately 73,000 Muslims evicted from Jaffna, Kilinochchi, Mullaitivu, Mannar, and Vavuniya in 1990 by the LTTE, many of whom spent nearly 20 years in IDP camps in and around Puttalam. Many of these IDPs wanted to stay in Puttalam, where they had spent much of their lives and which was more developed and nearer to Colombo than their families' districts of origin. A significant number of Muslim IDPs who had returned to Mannar reportedly had gone back to Puttalam after a short period.

While all IDPs had full freedom of movement, some who were able to return to their home districts were nevertheless unable to move back onto their own property due to uncleared land mines, restrictions that designated their home areas as HSZs, lack of documents to verify land ownership, and other war-related destruction. Living conditions for these persons were often difficult.

On November 24, approximately 230 IDPs were moved from Menik Farm, where the remaining 7,000 persons displaced in the last year of the war were camped, to a newly constructed transit camp in Kompavil, nearer to their original homes. The resettlement was part of a plan announced by the government August 3 to close Menik Farm and relocate IDPs living there to Kompavil. It remained unclear at year's end whether IDPs resettled in Kompavil would be allowed to return to their areas of origin after demining was completed or whether they would permanently be relocated to Kompavil. Observers and international donors expressed concern that the resettlement disregarded protocols regarding internal displacement. Specifically, the plan might force IDPs to move, and the government did not inform IDPs of their options or give them a choice of destination.

Coordination between the army, local government agents, and humanitarian agencies on resettling IDPs improved compared to the prior two years. Improvements largely stemmed from decreased numbers coming out of IDP camps and improved cooperation on the ground between the army, UNHCR, and Government Agent Office functionaries charged with registration of IDPs returning to their areas of origin.

Protection of Refugees.—Access to Asylum.—The country's laws do not provide for the granting of asylum or refugee status, and the government does not have a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Stateless Persons.—According to the UNHCR, the country does not have habitual residents who are legally or de facto stateless. Citizenship is obtained by birth within the territory of the country and from a child's parents if born to citizen parents overseas.

The 2003 Grant of Citizenship to Persons of Indian Origin Act recognized the nationality of previously stateless persons, particularly hill-country Tamils. The government passed laws in 2009 to grant citizenship to hill-country Tamils living among other Sri Lankan ethnic Tamils in refugee camps in India's Tamil Nadu, but progress on finding and registering these persons and granting them citizenship was slow. By December 2010 approximately 20,000 hill-country Tamils in the country lacked identity cards and citizenship documents, compared with 30,000 at the beginning of 2009 and 70,000 in 2008. Those lacking identity cards were at higher risk of arbitrary arrest and detention, but there were no reports of such incidents during the year.

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

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

Elections and Political Participation.—Recent Elections.—The president, who was reelected in January 2010 for a second six-year term, holds executive power, while the 225-member parliament, elected in April 2010, exercises legislative power. The government is dominated by the president's family; two of the president's brothers hold key executive branch posts, as defense secretary and minister of economic development, while a third brother is the speaker of parliament. A large number of other relatives, including the president's son, also serve in important political or diplomatic positions. Independent observers generally characterized the 2010 presidential and parliamentary elections as problematic. Both elections were fraught with violations of the election law by all major parties and were influenced by the governing coalition's massive use of state resources. Elections had not been held for the Northern Provincial Council since the Northern Province was separated from the Eastern Province in January 2007, and the Northern Province remained centrally governed at the end of the year. The president stated that the elections would be held in 2012.

The government held staggered local council elections during the year, which independent observers characterized as fraught with election law violations by all major parties and during which the governing coalition used state resources to sway the voters.

Political Parties.—Political parties largely were free to operate, organize, stand for elections, seek votes, and name candidates as they wished. Trusted ruling party stalwarts allegedly received favoritism for high-ranking government and business positions (see section 4).

On October 8, during local council elections, a convoy of ruling Sri Lanka Freedom Party (SLFP) MP Duminda Silva clashed with a convoy of Baratha Lakshman Premachandra, a former SLFP MP and presidential adviser on trade union affairs. Four persons, including Premachandra, were killed by gunfire, while Silva was seriously injured and hospitalized. Several suspects were arrested in relation to the incident, including two who fled to India. The CID, which investigated the case, refused to list Silva, a protege of Defense Secretary Gotabhaya Rajapaksa, as a suspect in the murder case. On November 1, Silva left for Singapore for medical treatment without any hindrance from the law enforcement authorities or a court order authorizing his transfer. On November 16, a Colombo magistrate's court ordered the CID to arrest Silva and produce him in court. He remained abroad at the end of the year.

Participation of Women and Minorities.—There were no laws that prevented women or minorities from participating in political life on the same basis as men or nonminority citizens. Some cultural and social barriers to women participation included the gun culture in politics and financial constraints. There was no provision for, or allocation of, a set number or percentage of political party positions for women or minorities.

Section 4. Official Corruption and Government Transparency

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

The Commission to Investigate Allegations of Bribery or Corruption was recommissioned in May following the expiration of the terms of the commissioners in March 2010. The commission does not have powers to initiate corruption investigations and must await a formal complaint before investigating reports of corruption, which members of the public were reluctant to put forward because of a lack of whistleblower protections. The commission has yielded only five prosecutions (three acquittals and two convictions). No high-ranking official or politician has ever been prosecuted for corruption or abuse of power while serving in office.

Corruption and general mismanagement were common in many state institutions and state-owned companies. Nepotism and cronyism continued to be a concern, and trusted ruling-party stalwarts allegedly received favoritism for high-ranking government and business positions. Corruption watchdogs claimed that corruption reached the highest levels of government. For example, a July 17 news article alleged that China gave the president $9 million as a grant in March to use "at his discretion." According to the article, China also made a substantial payment in June 2010 to the president's son, Namal Rajapaksa.

Senior officials served as corporate officers of several quasi-public corporations, including Lanka Logistics and Technologies, which the government established in 2007 and designated as the sole procurement agency for all military equipment. Critics alleged that large kickbacks were paid during the awarding of certain defense contracts.

Although MPs are asked to complete financial disclosure reports upon their election, there was no follow-up to ensure compliance, and little or no reporting ultimately was done.

There is no law providing for public access to government information. An opposition-proposed Right to Information bill was defeated June 21 by the government majority in parliament. The government and its supporters explained defeat of the bill as defense of national security, but many opposition politicians and commentators argued the government did not want to expose corruption.

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

A number of domestic and international human rights groups continued to investigate and publish their findings on human rights cases, despite government restrictions and physical threats to their work. The government often criticized local NGOs critical of government actions, failed to respond to requests for assistance, and put pressure on those that sought such assistance. The NGO Secretariat was moved from the Social Services Ministry to the Ministry of Defense in June 2010 and remained under the Ministry of Defense at the end of the year. Several NGOs noted a lack of clarity in Ministry of Defense procedures and enforcement of regulations.

The government remained apprehensive of NGO activities in certain areas of advocacy. It particularly scrutinized organizations critical of the government on issues such as governance, transparency, and human rights.

NGOs that proposed undertaking projects in northern and eastern areas to address such matters as psychosocial counseling, good governance training for local citizens, and legal aid often had difficulty obtaining government work permits. Government officials sometimes made generic criticisms of local NGOs that accepted funding from international sources.

International personnel of NGOs often had trouble getting visa renewals to continue working in the country. For example, the Non-Violent Peace Force, an NGO with international and domestic staff, which provided protection to civil society activists and others under threat, was forced to close down operations December 31 after the government systematically refused visas to the international staff.

U.N. and Other International Bodies.—The government continued to refuse the request by the U.N.'s Office of the High Commissioner for Human Rights for an expanded mission and an independent presence in the country.

In June 2010 U.N. Secretary General (SYG) Ban Ki-moon appointed a three-member panel of experts to advise him on "the implementation of the commitment on human rights accountability" made in the joint statement issued by President Rajapaksa and the SYG during the latter's visit in May 2009. According to the U.N. the panel was to look into the "modalities, applicable international standards, and comparative experience with regard to accountability processes," taking into account the nature and scope of any alleged violations. The panel was to complete its work in four months, but the SYG extended the mandate until March 3. Although the panel of experts intended to visit the country and meet with the LLRC and other officials with accountability roles, the U.N. and the government were unable to come to agreement on the modalities of the visit.

The report, which the panel of experts provided to the SYG on April 12, and through him to the government, stated that there were credible allegations of serious human rights violations by the government, including large-scale shelling of "No Fire Zones," systematic shelling of hospitals and other civilian targets, and summary execution, rape, and torture of those in the conflict zone. The report also highlighted a number of credible allegations against the LTTE, including using civilians as a strategic buffer, forced labor (including children), and summary executions of civilians attempting to flee the conflict zone. Including victims on both sides, the report estimated that there could have been as many as 40,000 civilian deaths. The report also describes the government's LLRC as "a potentially useful opportunity to begin a national dialogue on Sri Lanka's conflict" but as "deeply flawed" and not meeting international standards for an effective accountability mechanism. The LLRC Report had not been published during the course of the panel's work.

The panel of experts' report recommended, among other steps, that the government immediately begin genuine investigations into alleged violations of international law committed by both sides in the conflict, and that the government issue a public, formal acknowledgment of its role in and responsibility for extensive civilian casualties during the final stages of the war. The report also recommended that the SYG immediately establish an independent mechanism to monitor and assess the extent to which the government was carrying out an effective domestic accountability process, as well as independently to investigate credible allegations, and to collect and safeguard information relevant to accountability for the final stages of the war.

On April 25, the U.N. made public the panel of experts' report and urged the government to respond constructively to its recommendations, which included the establishment of an international investigation mechanism. The government had opposed strongly an international investigatory commission and did not respond formally to the report; officials strongly criticized the report's findings.

The ICRC closed its Jaffna offices in February and its Vavuniya offices in March at the request of the government. The government denied the ICRC access to former LTTE combatants held in rehabilitation centers (see section 1.d.), and the ICRC was unable to fulfill its protection mandate. It was nonetheless able to conduct a number of its functions, including prison visits and other monitoring from Colombo.

Government Human Rights Bodies.—The Human Rights Commission of Sri Lanka (HRCSL) held its first session as constituted under the 18th Amendment on February 22. It has jurisdiction to inquire into human rights violations. If an allegation were established, the HRCSL could make a recommendation for financial compensation to the victim and/or refer the case for disciplinary action or to the attorney general for prosecution. If an HRCSL order were not followed, a summons could be sent to both parties for explanation. If the parties continued in noncompliance, the HRCSL could report the case to the Supreme Court as a matter of contempt, a punishable offense. The Investigation and Inquiry division of the HRCSL recorded 3,116 complaints by the end of September, 664 of which did not fall within the mandate of the commission.

By statute the HRCSL has wide powers and resources and may not be called as a witness in any court of law or be sued for matters relating to its official duties. However, in practice the HRCSL rarely used its powers, and there were reports of a large backlog of cases with virtually no action by the commission during the year. In its concluding recommendations, the CAT noted its concerns "about the difficulties the HRCSL has had in carrying out its function owing in part to the lack of cooperation from other State party institutions, limited human and financial resources, which has reduced its ability to investigate specific incidents and make recommendations for redress, and failure to publish the reports of its investigations." Rather than taking an investigative approach to determining the facts and details of human rights cases, the HRCSL took a more tribunal-like approach, weighing only the evidence brought to it in deciding whether to pursue a case. Observers expressed concerns with the HRCSL's lack of independence and transparency, particu-

larly with the passage of the 18th Amendment, which granted greater power to the president to oversee HRCSL appointments. In 2007 the International Coordinating Committee of National Human Rights Institutions downgraded the HRCSL to observer status, citing government interference in its work. The committee upheld its decision in a 2009 review, asserting that the HRCSL was not in compliance with the Paris Principles relating to National Human Rights Institutions.

In May 2010 the government established the LLRC, a presidential commission mandated to inquire into the breakdown of the cease-fire with the LTTE and report on lessons learned. An eight-member panel of commissioners, including one Tamil and one Muslim, was appointed to collect information and take testimony and present a report to the president. International observers criticized the country's lack of witness protection, the limited scope of the LLRC—which did not have an explicit mandate to investigate alleged war crimes—and the alleged bias of its chairman, C.R. de Silva, who they believed was responsible in part for the failure of a previous commission of inquiry. The U.N. panel of experts' report described the LLRC as "a potentially useful opportunity" to begin a national dialogue on the country's conflict but added that it was "deeply flawed" and did not meet international standards for an effective accountability mechanism. Following two six-month mandate extensions, the LLRC handed its report to the president November 20.

On December 16, the LLRC report was tabled in parliament and posted on a government Web site. The government did not make the report available in Sinhala or Tamil in its entirety. The report made observations and recommendations for government action on issues related to the breakdown of the ceasefire agreement, security forces operations during the final stages of the war, international humanitarian law, human rights, land, restitution, and reconciliation. It acknowledged important grievances that contributed to the war, and many international and civil society groups found the report made important recommendations for government action to address serious political, cultural, social, and human rights concerns in the country. Some such recommendations included calling on the government to: phase out security forces from civilian affairs and activities; delink the police department from institution dealing with the armed forces; investigate and hold accountable those responsible for abductions, disappearances, and attacks on journalists; implement recommendations of past domestic commissions of inquiry; disarm and prosecute illegally armed groups; provide better access to detainees; ensure the right of information; implement the official trilingual policy; depoliticize the process to collect and adjudicate land claims; devolve power to local government institutions; and enact legislation to criminalize enforced or involuntary disappearances.

Many international and national observers stated that the LLRC did not adequately address accountability for alleged war crimes committed by the government and the LTTE during the final months of the conflict. The LLRC report acknowledged that hospitals were shelled and that there were considerable civilian casualties during the final stage of the conflict and recommended investigations into "possible implications of the security forces" in specific instances of civilian death or injury. Prominent international NGOs, however, stated that the LLRC report exonerated the government of any wrongdoing. They noted that the report found no systematic government wrongdoing on issues such as the "white flag" incident of the alleged killing of surrendering LTTE fighters, extensive shelling of No Fire Zones, systematic shelling of hospitals, and the withholding of humanitarian supplies from civilians entrapped by the LTTE. The report also limited its analysis of the Channel 4's "Sri Lanka's Killing Fields," which contains video footage of purported Sri Lankan soldiers executing bound prisoners and making lewd comments while mishandling partially clothed female bodies, to a technical discussion of the video's authenticity (see section 1.a.).

The cabinet approved the National Action Plan for the Protection and Promotion of Human Rights (NAPHR) on December 14. The five-year plan was developed per the government's May 2008 pledge under the Universal Periodic Review to draft a human rights action plan. The NAPHR presents recommendations in eight areas: civil and political rights; economic, social, and cultural rights; prevention of torture; rights of women; labor rights; rights of migrant workers; rights of children; and rights of IDPs. It also provides timelines and assigns stakeholder ministries to implement the recommendations. The plan presents a number of specific and practical recommendations, including legislation ensuring the right to information, punitive measures against officers found by the HRCSL to be guilty of torture, and a substantive criminal offense on disappearances. Civil society activists criticized its recommendations and timelines as unrealistic for not taking into account financial or resource constraints and said many of their contributions were excluded from the final version of the plan.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally respected these rights in practice; however, there were instances where gender and ethnic-based discrimination occurred.

Women.—Rape and Domestic Violence.—The law prohibits rape and domestic violence, but it was not enforced effectively. Sexual assault, rape, and spousal abuse were pervasive societal problems. The law specifically addresses sexual abuse and exploitation, and it contains provisions in rape cases for an equitable burden of proof and stringent punishments. Marital rape is considered an offense only in cases of spouses legally separated. Domestic violence was thought to be widespread, although discussion of the problem was not common.

While in theory the law could address some of the problems of sexual assault, many women's organizations believed that greater sensitization of police and the judiciary was necessary to see progress in combating these crimes. The Bureau for the Prevention of Abuse of Women & Children (BPWC) within the police conducted awareness programs in schools and at the grassroots level, prompting women to file complaints. The police also established women's bureaus in police stations throughout the year. The BPWC held awareness programs for males in state and private organizations and awareness programs targeted at passenger transport personnel.

According to the police, 1,636 incidents of rape were reported during the first 11 months of the year, but reported incidences were unreliable indicators of the degree of this problem, as most victims were unwilling to file reports. Police officials reported an increase in statutory rape cases compared with previous years, and girls between the ages of 13-16 were particularly vulnerable. There were rape cases where victims dropped charges due to pressures on them or their families. For example, the Colombo High Court discharged UPFA MP Duminda Silva from rape charges March 24 after the victim's attorney told the court that the victim was suffering from depression because of the incident and did not want to take part in further legal proceedings.

Services to assist victims of rape and domestic violence, such as crisis centers, legal aid, and counseling, were generally scarce due to a lack of funding.

Sexual Harassment.—Sexual harassment is a criminal offense carrying a maximum sentence of five years in prison. Some observers acknowledged sexual harassment to be widespread. As with domestic violence, discussion of the problem was not common.

Human rights groups in northern districts alleged that widows of men who were killed as a result of the conflict often became victims of prostitution because of their economic vulnerability.

Sex Tourism.—During the year the National Child Protection Authority (NCPA) issued a warning of an increase in child sexual exploitation due to the rapid growth of tourist arrivals. The government's tourist police and NCPA conducted island-wide awareness programs focusing on children, travel guides, and the coastal community close to tourist destinations. There were limited reports of child sex tourism in isolated areas during the year.

Reproductive Rights.—Couples and individuals were free to decide the number, spacing, and timing of their children. An estimated 40 percent of the population used modern contraceptives, and skilled attendance during childbirth was estimated at approximately 97 percent of births. According to 2008 U.N. estimates, the maternal mortality rate in the country was 39 deaths per 100,000 live births. Women appeared to be equally diagnosed and treated for sexually transmitted infections.

Discrimination.—The law provides for equal employment opportunity in the public sector. In practice women had no legal protection against discrimination in the private sector, where they sometimes were paid less than men for equal work and experienced difficulty in rising to supervisory positions. Although women constituted approximately half of the formal workforce, according to the Asian Development Bank, the quality of employment available to women was less than that available to men. The demand for female labor was mainly for casual and low-paid, low-skill jobs.

Women had equal rights under civil and criminal law. However, adjudication according to the customary law of each ethnic or religious group of questions related to family law, including divorce, child custody, and inheritance, resulted in de facto discrimination. The government drafted a National Action Plan for Women designed to address women's rights that was under review at the end of the year and was expected to be approved in 2012.

Children.—Birth Registration.—Citizenship is obtained by birth within the territory of the country and from a child's parents if born to citizen parents overseas.

Births were registered immediately, and failure to register resulted in denial of some public services, such as education.

Child Abuse.—Under the law the definition of child abuse includes all acts of sexual violence against, trafficking in, and cruelty to children. The law also prohibits the use of children in exploitative labor or illegal activities, or in any way contrary to compulsory education regulations. It also defines child abuse to include the involvement of children in war. The BPWC conducted investigations into crimes against children and women. The penalties for sexual assault of children range from five to 20 years' imprisonment and an unspecified fine.

NGOs attributed the problem of exploitation of children to the lack of enforcement, rather than inadequate legislation. The NCPA received more than 7,000 reports of child abuse in the first 10 months of the year. Most of the complaints were reported on the NCPA's national telephone hotline to report child abuse and included children being sexually abused or molested by their parents, guardians, or people known to the victims.

Sexual Exploitation of Children.—The government advocated greater international cooperation to bring those guilty of sexual exploitation of children to justice. Although the government did not keep records of particular types of violations, the law prohibits sexual violations against children, defined as persons less than age 18, particularly in regard to child pornography, child prostitution, and the trafficking of children. Penalties for violations related to pornography and prostitution range from two to five years' imprisonment.

The NCPA estimated in 2009 that approximately 1,000 children were subjected to commercial sexual exploitation, although some NGOs believed the actual number was higher. There was little solid data to elucidate these reports, and the problem of child sexual tourism was much less prevalent than approximately 10 years ago, although there were regular reports of underage girls involved in prostitution. The Department of Probation and Child Care Services provided protection to child victims of abuse and sexual exploitation and worked with local NGOs that provided shelter. The NCPA ran an undercover operation in the southern coastal region to identify sexual tourism perpetrators and victims. As a preventive measure, the NCPA also implemented an awareness program conducted at all schools.

Displaced Children.—Children in the IDP camps and resettled areas were exposed to the same difficult conditions as adult IDPs and returnees in these areas. Many school facilities were in poor condition and lacked basic supplies. Medical care in these areas was limited, but improvements continued throughout 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.—The Jewish population remained very small, and 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 forbids discrimination against any person with physical, sensory, intellectual, or mental disabilities; however, in practice discrimination occurred in employment, education, and provision of state services. On April 27, the Supreme Court reinforced a 2009 directive that steps be taken to provide easy access for persons with disabilities to public buildings, but there was little progress by year's end. There were regulations on accessibility, but in practice accommodation for access to buildings for persons with disabilities was rare. On May 11, the government appointed a consultant on accessibility in health sector buildings to implement these regulations more effectively.

The government took steps to support participation by persons with disabilities in civic affairs. For example, on July 10, the Election Department announced a provision for a disabled person to be accompanied by another when voting in elections.

Persons with disabilities faced difficulties due to negative attitudes and societal discrimination. In some rural areas the belief of many residents that physical and mental disabilities were contagious led to long-term isolation of such persons, who in some cases rarely or never left their homes.

*National/Racial/Ethnic Minorities.*Both local and Indian-origin Tamils maintained that they suffered long-standing, systematic discrimination in university education, government employment, and other matters controlled by the government. On February 22, TNA parliamentarians filed a fundamental rights violation petition complaining of purported forced registration of residents in the predominantly Tamil Jaffna and Kilinochchi districts. On March 3, the Supreme Court terminated the proceedings after the attorney general informed the court that the army would stop the registrations. Nevertheless, reports continued throughout the year of army reg-

istrations in the north. Tamils throughout the country, but especially in the north and east, reported frequent harassment of young and middle-age Tamil men by security forces and paramilitary groups.

Indigenous People.—The country's indigenous people, known as Veddas, by some estimates numbered fewer than 1,000. Some preferred to maintain their traditional way of life and were nominally protected by the law. There were no legal restrictions on their participation in political or economic life. However, the lack of legal documents was a problem for many. Vedda communities complained that they were pushed off their lands by the creation of protected forest areas, which deprived them of traditional livelihoods. Government officials announced plans in August to build approximately 500 houses for Veddas according to the specifications of their community to protect their identity and culture, and construction was in progress at year's end.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law criminalizes homosexual activity, but it was not enforced. Some NGOs working on LGBT problems did not register with the government. The CID visited a gay-rights organization called Companions of a Journey October 10 and 12 and reportedly searched its offices, questioned the staff present, and took some information of clients. Police reportedly assaulted, harassed, and extorted money or sexual favors from LGBT persons (see section 1.c.).

There were LGBT organizations, and several events were held throughout the year, including an LGBT pride festival week in July. In addition to pressure, harassment, and assaults by police, there remained significant societal pressure against members and organizations of the LGBT community. There were no legal safeguards to prevent discrimination based on sexual orientation or gender identity. There were reports that persons undergoing gender reassignment procedures had difficulty in amending government documents to reflect those changes.

Other Societal Violence or Discrimination.—There was no official discrimination against those who provided HIV prevention services or against high-risk groups likely to spread HIV/AIDS, although there were reports of societal discrimination against these groups.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law allows workers to form and join unions of their choice without previous authorization, with the exception of members of the armed forces, police officers, judicial officers, and prison officers, who may not unionize. The law provides for the right to conduct legal strikes for workers in nonessential services and for the right to collective bargaining, except for workers in public service unions. Seven workers may form a union, adopt a charter, elect leaders, and publicize their views; however, a union must represent 40 percent of workers at a given enterprise before the employer legally is obligated to bargain with it. By law public sector unions are not allowed to form federations or represent workers from more than one branch or department of government, although the law generally was not enforced.

The law provides all workers, other than police, armed forces, prison service, and those in essential services, with the right to strike. The president has broad discretion to declare sectors "essential," which may include "any service which is of public utility or is essential for national security or for the preservation of public order or to the life of the community and includes any Department of the Government or branch thereof." The International Trade Union Confederation (ITUC) stated that in the past the government misused its power to declare an industry "of public utility" to make strikes illegal. No sectors or services were declared essential services during the year. The law prohibits retribution against strikers in nonessential sectors.

All collective bargaining agreements must be registered with the Ministry of Labor. Collective agreements generally lasted for three years.

Antiunion discrimination was prohibited by law and violations could results in a fine of 20,000 rupees ($176). On September 6, parliament passed a regulation to increase the fine to 100,000 rupees ($878). Employers found guilty of antiunion discrimination are required by law to reinstate workers fired for union activities but could transfer them to different locations. Domestic workers in third-party homes and informal sector workers were not covered by the country's labor laws. While the law allows unions to conduct their activities without interference, in practice the government enforced the law unevenly. The Labor Ministry worked to improve the process for union registration during the year, although administrative delays continued.

Freedom of association and the right to collective bargaining were often, but not always, respected in practice. Numerous unions were active in the country, although it was difficult for some to organize in private factories. Unions represented workers in large private firms, but workers in small-scale agriculture and small businesses usually did not belong to unions. The Employers' Federation of Ceylon, the apex employers association in Sri Lanka, assisted its member companies in negotiating with unions and signing collective bargaining agreements. Approximately one quarter of the more than 525 members of the Employers' Federation of Ceylon were unionized. Some of them (including a number of foreign-owned firms) were bound by collective agreements or had signed memorandums of understanding with trade unions. Most public sector employees belonged to unions. In practice the right of association was impeded by the management of individual factories.

Union activists and officials remained subject to harassment, intimidation, and other retaliatory practices. There were reports that employers arbitrarily transferred union members, and there were numerous reports of unfair dismissals of union members.

While some unions in the public sector were politically independent, most large unions were affiliated with political parties and played a prominent role in the political process. The Labor Ministry was authorized to cancel a union's registration if the union failed to submit an annual report for three years.

Only the Labor Ministry has standing to pursue an unfair labor practice case, including for antiunion discrimination. Since 1999 the ministry has filed three cases against companies for unfair labor practices under the Industrial Disputes Act. The courts dismissed one case due to insufficient evidence, one case was unsuccessful, and the last continued at year's end. Citing routine government inaction on alleged violations of labor rights, some unions continued to press for standing to sue, while others did not want that ability, citing the cost of filing cases. Workers brought some labor violations to court under various other labor laws, such as the Wages Board or Employees Provident Fund Acts. Several employers were under investigation under these statutes.

Unions alleged that employers often indefinitely delayed recognition of unions for collective bargaining. The ITUC and the International Labor Organization (ILO) reported that employers used these delays to postpone or prevent the formation of a union, decrease support for unionization, and identify, terminate, and sometimes assault or threaten union activists. To address these concerns, the ministry issued a circular March 1 that requires labor commissioners to hold union certification elections within 30 working days if there is no objection and within 45 working days if there is an objection. No union elections were held under the new labor circular by year's end.

b. Prohibition of Forced or Compulsory Labor.—The law prohibited all forms of forced or compulsory labor and the government effectively enforced such laws. There were reports that in practice children were subjected to debt bondage in dry-zone farming areas, on plantations, and to a lesser extent in the fireworks and fish-drying industries. Debt bondage reportedly occurred in the agriculture, mining, and rope-making sectors. In many of those cases, parents incurred a debt and then sent their children to work in order to repay the loan (see section 7.c.). Situations similar to forced labor occurred in the employment of children ages 14 to 18 and women working as domestic workers in some third-party homes as they worked as live-in workers, and there are no specific regulations governing their employment, wages, or work hours. Labor ministry inspections do not extend to domestic 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 minimum age for employment is 14, although the law permits the employment of younger children by their parents or guardians in limited family agriculture work or technical training. In March the government issued regulations prohibiting the employment of persons under the age of 18 in 51 types of work considered to be hazardous. The law limits the work hours of 14- and 15-year-olds to nine hours per day, and those of 16- and 17-year-olds to 10 hours per day. The government published a plan in June 2010 for the elimination of the worst forms of child labor by 2016. This plan was developed with assistance from workers' representatives, the ILO, and UNICEF. The Labor Ministry made some progress on the plan during the year. For example, it held a training program for labor officials and three programs for law enforcement officers. The ministry also held an awareness raising program for social partners in five districts.

The NCPA was the central agency for coordinating and monitoring the protection of children, with the specific mandate to enforce laws on all forms of child abuse.

The Ministry of Labor has the specific mandate to enforce laws on child labor and hazardous child labor. The Department of Probation and Child Care Services, and the police, which operated a specially designated Children's and Women's Bureau to enforce child labor laws, are also responsible for the enforcement of child labor laws. From January to December, the Labor Ministry carried out 237 inspections of child labor situations and found 13 cases of child labor violations. Agencies charged with child labor law enforcement, including the Labor Ministry, noted lack of adequate resources.

The largest sector for child labor, both legal and illegal, was agriculture, where children under 18 were employed both in plantations and in nonplantation agriculture during harvest periods. In addition to agriculture, the majority of working children worked as street vendors; domestic helpers; and in mining, construction, manufacturing, and transport. Children engaged in dangerous work in the tile, fishing, construction, and mining industries. Children displaced by the war were more vulnerable to being employed in hazardous labor.

Sources indicated that many thousands of children between 14 and 18 were employed in domestic service in urban households. Child domestic workers reportedly were subjected to physical, sexual, and emotional abuse, and there were also reports of rural children in debt bondage in urban households. Child employment was also common in family enterprises such as family farms, crafts, small trade establishments, restaurants, and repair shops.

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.—While there was no national minimum wage, 43 wage boards established by the Ministry of Labor's Relations and Manpower Office set minimum wages and working conditions by sector and industry in consultation with unions and employers. The minimum monthly wage in the areas of the private sector covered by wage boards was 6,900 rupees ($61) plus an extra allowance of 1,000 rupees ($9), for a total of 7,900 rupees ($70). The minimum wage in the public sector is 18,166 rupees ($160). Workers in sectors not covered by wage boards, including informal sector workers, were not covered by any minimum wage laws. The official estimate of the poverty income level was 3,028 ($26.60) per person per month, although the validity of this was questioned by some analysts.

The law prohibits most full-time workers from regularly working more than 45 hours per week (a five-and-a-half-day workweek). In addition the law stipulates a rest period of one hour per day. Regulations limit the maximum overtime hours to 15 per week. Overtime pay is 1.5 times the wage and is paid for work done on either Sundays or holidays. The law provides for paid annual holidays and limits overtime work.

The government set occupational health and safety standards. However, health and safety regulations did not fully meet international standards. Workers have the right to remove themselves from dangerous situations, but many were unaware of such rights or feared that they would lose their jobs if they did so. The Labor Ministry's efforts to enforce occupational safety and health standards were inadequate. There was a need to improve occupation health and safety in the rapidly growing construction sector, including on infrastructure development projects such as port, airport, and road construction projects.

Labor Ministry inspectors checked whether employers were providing complete pay to employees and were contributing to pension funds as required by law, but unions questioned whether the inspections were effective. The ministry's Labor Inspectorate consisted of 618 officers. The punishment for nonpayment of wages and pension contributions is negligible, ranging from 100 rupees (88 cents) to 250 rupees ($2.20) for the first offense and 500 rupees ($4.40) to 1,000 rupees ($8.80) and/or a jail term of 6 months for the third offense. A fine of 50 rupees (44 cents) per day is charged if the offense continues after conviction. The labor inspectors did not monitor wages or working conditions for informal sector workers.

TAJIKISTAN

EXECUTIVE SUMMARY

Tajikistan is an authoritarian state that President Emomali Rahmon and his supporters, drawn mainly from one region of the country, dominated politically. The constitution provides for a multiparty political system, but in practice the government obstructed political pluralism. The February 2010 parliamentary elections were marked by widespread fraud to ensure the continued rule of the ruling Peo-

ple's Democratic Party of Tajikistan (PDPT). The PDPT, progovernment independents, and government-affiliated political parties dominated parliament. The opposition Islamic Revival Party of Tajikistan (IRPT) and Communist Party of Tajikistan had two seats each in parliament. Security forces reported to civilian authorities.

The most significant human rights problems included torture and abuse of detainees and other persons by security forces, restrictions on freedoms of expression and religion (especially regarding the prosecution of journalists and repression of faith groups), and violence and discrimination against women.

Other human rights problems included arbitrary arrest; denial of the right to a fair trial; harsh and life-threatening prison conditions; prohibition of international monitor access to prisons; limitations on children's religious education; corruption; and forced labor including begging, cotton harvesting, and trafficking in persons.

Officials in the security services and elsewhere in the government acted with impunity. There were no prosecutions of government officials for 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 that the government or its agents committed arbitrary or unlawful killings, but at least two individuals died while in government custody.

Safarali Sangov died on March 5, four days after police detained him. Sangov's wife told the media that her husband died as a result of torture by Ministry of Interior (MVD) staff. She claimed seven police officers entered their house and severely beat Sangov before taking him away. MVD authorities denied the allegations. Later a court charged two officers, Abdurahmon Yaqubov and Qodir Hasanov, with "negligence." At year's end their case continued, but the defendants were dismissed from their jobs. In a nearly identical case, Bahromiddin Shodiyev died on November 2 after allegedly being tortured in police detention. According to his mother, Shodiyev regained consciousness in the hospital and told her that he had been beaten until he confessed to crimes he had not committed. He told her that police taped his mouth shut so no one could hear him screaming. In both cases police initially claimed that the detainees attempted to commit suicide by jumping out of a second-story window.

b. Disappearance.—There were no new reports of politically motivated disappearances. However, during the 95th session of the U.N. Working Group on Enforced or Involuntary Disappearances (WGEID) in November 2010, the organization examined information on previously accepted but unresolved cases of disappearance. The WGEID requested a site visit based on the high number and credibility of reports it had received. The request was for U.N. special rapporteurs, including on torture and on the right to adequate housing. The government did not provide a response to this request.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits the use of torture, but there is no specific definition of torture in the law or a provision of criminal liability for committing an act of torture. An article in the criminal procedure code (CPC) states that evidence acquired through torture is inadmissible. Some security officials reportedly continued to use beatings or other forms of coercion to extract confessions during interrogations. General Prosecutor Sherkhon Salimzoda stated during a press conference that only 13 of the 48 complaints filed in 2010 had evidence of torture. Officials did not grant sufficient access to information to allow human rights organizations to investigate claims of torture.

Urunboy Usmonov, a BBC journalist arrested and detained on June 13, claimed in a court hearing on August 18 that he was tortured while in custody. The judge refused to acknowledge Usmonov's claims of torture during the trial. A BBC official on a visit to the country reported that Usmonov's treatment was far worse than he alleged in court and included beatings, electrical shocks, and cigarette burns. According to the BBC official, Usmonov's abridged testimony occurred because he feared reprisals against him and his family.

Prison and Detention Center Conditions.—The government did not permit international observers access to monitor its prisons. Exact conditions in the prisons remained unknown, but detainees and inmates described harsh and life-threatening prison conditions, including extreme overcrowding and unsanitary conditions. Disease and hunger were serious problems. U.N. agencies reported that infection rates of tuberculosis and HIV in prisons were significant, and the quality of medical treatment was poor.

The government operates eight prisons, including one for females, and four pretrial detention facilities.

The Ministry of Justice (MOJ) continued to deny access to prisons or detention facilities to representatives of the international community and civil society. There

were no known cases of prisoners submitting formal complaints regarding conditions. In August the International Committee of the Red Cross (ICRC) resumed negotiations on a prison access agreement with the government. Because of the lack of access, it was not known whether prisoners had access to potable water, whether steps existed to use alternatives to sentencing for nonviolent offenders, or whether the conditions of female prisoners were worse than for men.

d. Arbitrary Arrest or Detention.—The CPC does not explicitly prohibit arbitrary arrests, and in practice arbitrary arrests were common. Few citizens were aware of their right to protest an arrest, and there were few checks on the power of police and military officers to detain individuals. Police often detained men wearing beards, for example, and questioned them on suspicion of religious extremism.

Role of the Police and Security Apparatus.—The MVD, Drug Control Agency (DCA), Agency on State Financial Control and Fight Against Corruption (an anticorruption agency), State Committee for National Security (GKNB), State Tax Committee, and Customs Service share civilian law enforcement responsibilities. The MVD is responsible primarily for public order and controls the police force. The DCA, anticorruption agency, and State Tax Committee have mandates to investigate specific crimes, and they report to the president. The GKNB has responsibility for intelligence and controls the Border Service, but it also investigates cases linked to alleged extremist political or religious activity. The Customs Service reports directly to the president. The Prosecutor General's Office oversees the criminal investigations that these agencies conduct.

The agencies' responsibilities overlap significantly, and law enforcement organizations defer to the GKNB. Law enforcement agencies were not effective in investigating organized criminal gangs because the gangs maintained high-level connections with government officials and security agencies. Narcotics agencies, for example, regularly were ordered to drop investigations of possible ties between high-level officials and drug traffickers.

Official impunity continued to be a serious problem. Victims of police abuse may submit a formal complaint in writing to the officer's superior or the Office of the Ombudsman. Most victims reportedly chose to remain silent rather than risk official retaliation. The Ombudsman's Office for Human Rights made efforts to respond to complaints about civil rights violations but rarely intervened, citing that the office does not have the power to make statements or recommendations regarding criminal cases.

Arrest Procedures and Treatment While in Detention.—According to the CPC, police may detain an individual up to 12 hours before authorities must file criminal charges. If charges are not filed after 12 hours, the individual must be released. In practice police often did not inform detainees of the arrest charges. If police file criminal charges, they may detain an individual 72 hours before they must present their charges to a judge for an indictment hearing. The judge is empowered to order detention, house arrest, or bail, pending trial.

According to the CPC, family members are allowed access to prisoners after indictment, but officials occasionally denied attorneys and family members access. Authorities held detainees charged in crimes related to national security or extremism for extended periods without formally charging them.

Arbitrary Arrest.—The government generally provided a rationale for arrests, although some detainees claimed that authorities falsified charges or inflated minor problems to make politically motivated arrests. Some police and judicial officials regularly accepted bribes in exchange for lenient sentencing or release. Law enforcement officials must request an extension from a judge to detain an individual in pretrial detention after two, six, and 12 months.

Pretrial Detention.—Defense advocates alleged that prosecutors often held suspects for lengthy periods and registered the initial arrest only when the suspect was ready to confess. In most cases pretrial detention lasted from one to three months but could extend as long as 15 months in exceptional circumstances.

Amnesty.—As part of the 20th anniversary of independence, parliament approved a prisoner amnesty bill initiated by the presidential administration. Those considered for amnesty reportedly were former Islamic fighters, persons who had served more than three-quarters of their sentence, draft dodgers, all female detainees, male minors and male detainees over the age of 55, and detainees diagnosed as suffering serious illness. The amnesty law did not affect those already serving life terms and those convicted on terrorism charges. During the amnesty period of August 20-November 20, more than 4,300 people were released from prison or predetention facilities, including 196 women and 153 people under 18 years old. More than 5,000 people received reductions in their sentences but remained in detention.

e. Denial of Fair Public Trial.—Although the law provides for an independent judiciary, in practice the executive branch exerted pressure on prosecutors and judges. Corruption and inefficiency were significant problems.

Trial Procedures.—Defendants are legally afforded a presumption of innocence, but they did not enjoy it in practice. Nearly all defendants were found guilty. During the year there were 54 acquittals in 5,973 cases, of which 15 were fully acquitted and the remaining 39 received partial acquittals and guilt at lesser levels. Trials are presided over by a judge, who issues verdicts. There is no system of trial by jury. Defendants generally were able to consult with an attorney in a timely manner during trials but often were denied the right to an attorney during the pretrial and investigatory periods. By law the government should provide an attorney at public expense if requested, but the government rarely provided free legal aid. A number of local and international nongovernmental organizations (NGOs) provided free legal counsel to defendants.

Defendants may present witnesses and evidence at trial with the consent of the judge. Defendants and attorneys have the right to review all government evidence, confront and question witnesses, and present evidence and testimony. No groups are barred from testifying, and in principle all testimony receives equal consideration. In practice courts generally gave prosecutorial testimony more consideration than defense testimony. The law extends the rights of defendants in trial procedures to all citizens; it also provides for the right to appeal.

Low wages for judges and prosecutors left them vulnerable to bribery, which was a common practice. Government officials subjected judges to political influence.

Although trials are public, civil society members faced difficulties in gaining access to high-profile public cases. The case against Muhammadyusuf Ismoilov, Asht journalist of the Dushanbe independent weekly newspaper Nuri Zindagi, was moved from civil court to the Investigation Detention Center, which restricted the access of media and human rights NGOs to the trial. A similar situation occurred with the court case in Khujand against a BBC journalist. NGOs reported that the government generally permitted them to monitor routine trials.

Political Prisoners and Detainees.—Authorities claimed that there were no political prisoners and that they did not make any politically motivated arrests. Opposition parties and local observers claimed the government selectively prosecuted political opponents. There was no reliable estimate of the number of political prisoners.

Civil Judicial Procedures and Remedies.—Civil cases are heard in general civil courts, economic courts, and military courts. Judges may order monetary compensation for victims in criminal cases. There were no known cases of individuals filing civil cases for alleged violations of human rights.

Property Restitution.—The government on several occasions seized private property with little or no justification, public notice, or debate. By law the government must offer residents compensation equal to the value of their abandoned property, but compensation was often of lesser value.

The Roghun power station relocation, which began in 2009, raised concern among those who resided in the future flood area. They reportedly received inadequate compensation and faced forceful relocation. Many families were relocated, but resettlement was suspended until the results become available from two World Bank-commissioned studies examining the dam's economic feasibility and social and environmental impact.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution states that the home is inviolable. With certain exceptions, it is illegal to enter the home by force and deprive a person of a home. The CPC states that police cannot enter and search a private home without the approval of a judge. Searches may be carried out with only a prosecutor's authorization in exceptional cases, "where there is an actual risk that the object searched for and subject to seizure may be delayed in being discovered, be lost, damaged or used for criminal purposes, or a fugitive may escape." The law states that courts must be notified of such searches within 24 hours. In practice police frequently ignored these laws and infringed on citizens' right to privacy, including personal searches without a warrant.

According to the CPC, "when sufficient grounds exist to believe that information, documents, or objects that are relevant to the criminal case may be contained in letters, telegrams, radiograms, packages, parcels, or other mail and telegraph correspondence, they may be intercepted" with a warrant issued by a judge. The law states that only a judge may authorize monitoring of telephone or other communication. In practice government security offices often monitored communication without judicial authorization.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—Freedom of Speech: The law provides for freedom of speech and press, but in practice the government restricted these rights. By law a person can be imprisoned for as long as five years for insulting the president.

Freedom of the Press.—Independent media were active, despite significant pressure by the government on media outlets. Although some print media published political commentary and investigatory material critical of the government, journalists observed that certain topics were considered off limits, including derogatory information about the president or his family, or questions about financial impropriety by those close to the president. As observed in the previous year, there was a dramatic increase in the number of lawsuits against independent journalists and media outlets.

There were four state-run television channels that broadcasted throughout the country and five state-run television stations that broadcasted regionally. There was one national and several regional state-run radio stations. Several independent television and radio stations were available in a small portion of the country, but the government controlled most broadcasting transmission facilities. The government allowed some international media to operate freely and also permitted rebroadcasts of Russian television and radio programs.

Violence and Harassment.—In November 2010 Makhmadyusuf Ismoilov, a reporter with Nuri Zindagi, was arrested in Asht District and later charged with inciting religious and national hatred, slander, insulting honor and dignity of an individual, and extortion. Media analysts alleged that the charges were politically motivated. Ismoilov wrote several articles documenting corrupt acts committed by Asht District officials. He remained in detention until October 14, when he was found guilty but released from detention under the amnesty law.

In July security forces detained BBC journalist Urunboy Usmonov following publication of his interviews with alleged members of Hizb-ut-Tahrir. Police initially charged Usmonov with membership in an extremist organization and ultimately with failure to report his contact with the group. After international and internal pressure, authorities released him, but the case regarding his alleged failure to report his contact with the group continued in court. His case ended on October 14 when a court found him guilty, but his sentence was suspended under the amnesty law.

Censorship or Content Restrictions.—Journalists regularly practiced self-censorship to avoid retribution from officials. Opposition politicians had limited access to state-run television. The government gave opposition parties minimal broadcast time to express their political views, while the president's party had numerous opportunities to broadcast its messages.

Publishing Restrictions.—The government exercised some restrictions on the distribution of materials, requiring all newspapers and magazines with circulations exceeding 99 recipients to register with the Ministry of Culture. The government continued to control all major printing presses and the supply of newsprint. Community radio stations continued to experience registration and licensing problems that prevented them from broadcasting. Independent radio and television stations experienced bureaucratic delays to registration. The government restricted issuance of licenses to new stations, in part through an excessively complex application process. For example, new stations must be licensed by the Commission of the National Committee on Television and Radio, which directly managed the national television and radio stations. The government continued to deny BBC a renewal of its license to broadcast on FM radio.

Internet Freedom.—There were new and continuing government restrictions on access to Internet Web sites. On May 20, the government restricted access to turajon.com, a Web site created by religious leaders Akbar Turajonzoda and his brothers Eshoni Nouriddin and Eshoni Mahmoudjon. The Web site was available by proxy servers.

Individuals and groups could engage in the expression of views via the Internet, including by e-mail. In August the government formed a cybercrimes and communications unit of the Combating Organized Crime Department. One of its tasks is to monitor activity in Internet cafes and electronic gaming centers.

There was a rise in social networking via Facebook, Twitter, and other social Web sites. Cases of organized public protests via Facebook were emerging. On April 8, 30 people gathered at the state energy agency Barqi Tojik to protest severe electricity shortages. Citizens initiated the protest through Facebook and later posted

news and their views of the event on the Web site. This was the first known example of organized public protest via social networking.

Academic Freedom and Cultural Events.—Throughout the year pressure continued against the only private higher education institution, the Institute of Innovative Technologies and Communication (IITC), following the Ministry of Education's 2010 revocation of its license. The government claimed that the IITC "failed to meet the ministry's standards." Law enforcement bodies confiscated IITC equipment and documentation. IITC protested unsuccessfully to the government. As the IITC employed several prominent members of opposition political parties, observers alleged that its closure was politically motivated.

The Ministry of Education maintained a dress code that bans the hijab in schools and expelled several students and fired one teacher at Tajik National University for wearing it. Women wearing a traditional local head covering, a scarf that covers hair but not the neck, were allowed to study in schools and universities. According to imams in Khujand, many parents kept their daughters from school rather than allow them to go without the hijab.

The Ministry of Education expanded its ban on beards to all teachers despite previously allowing teachers over the age of 50 to maintain beards less than 1.25 inches in length.

The Ministry of Education led a campaign promoting public discussions of the controversial Law on Parental Responsibility, which bans all secondary school students from attending mosques.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides the right to freedom of assembly, but the government required that individuals obtain permission from the government to stage public demonstrations. Individuals considering staging peaceful protests reportedly chose not to do so due to fear of government reprisal.

Freedom of Association.—The constitution protects freedom of association, but in practice the government restricted this right. There was an increase in small-scale demonstrations related to economic issues, land reform, electricity shortages, and corruption of local officials.

On April 27, 10 women from Kulob who were given new homes after the 2010 floods protested in front of the presidential administration building. They claimed local officials were trying to evict them from their new homes. Police and security personnel forced them to disperse but promised to pass their appeal to presidential advisors. At year's end the case remained unresolved.

In late December 2010, members of the Atovullo Raqibov family held a hunger strike and demonstrated in front of the ombudsman's office to demand compensation for Faizobod District officials' partial demolition of their home to make way for a road in 2009. After their protest Atovullo Raqibov, his wife, and two sisters were charged with hooliganism, allegedly for breaking the window of a bulldozer as it destroyed their residence. On April 25, IRPT Chairman Kabiri and journalists from Asia-Plus met Faizobod officials, who agreed to give the displaced family a new plot of land. Kabiri won media praise for promising to finance a new home for the family. On April 28, a Faizobod court convicted the Raqibovs on the hooliganism charge but released them on probation.

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.—In-Country Movement: The law provides for freedom of movement, but in practice the government imposed some restrictions. Foreigners are prohibited from traveling within a 15-mile zone along the borders with China and Afghanistan unless they obtain permission from the Ministry of Foreign Affairs. Officials did not always enforce the restrictions along the western border with Afghanistan, although the government continued to require travelers (including international workers and diplomats) to obtain special permits to visit Gorno-Badakhshan. Diplomats and international aid workers could travel to the Afghanistan border without prior authorization.

Exile.—There are no laws that provide for exile, and there were no reports of forced exile. Some government opponents remained in self-imposed exile in Russia. On August 17, a Jehovah's Witnesses member, Sherzod Rahimov, was deported to Uzbekistan for participating in unregistered religious activities.

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, the process for making asylum status determinations remained problematic and nontransparent. The government proc-

essed asylum applications through the National Refugee Status Determination Commission and granted applicants documents to regularize their stay and to prevent deportation. When denying refugee status, officials usually cited lack of evidence of persecution in the refugee's home country or "malpractice" on the part of refugees applying to renew their status—such as violation of the prohibition of living in Dushanbe. Unofficially some refugees claimed the authorities could deny cases if sufficiently high bribes were not paid.

The government generally succeeded in registering those with a claim to refugee or asylum seeker status, but it also placed significant restrictions on claimants. Officials continued to enforce a 2000 law prohibiting asylum seekers and refugees from residing in urban areas. Security officials regularly monitored refugee populations. Refugees and asylum seekers believed to be residing in prohibited areas were subject to police raids throughout the year.

According to the Office of the U.N. High Commissioner for Refugees (UNHCR), the inflow of refugees from Afghanistan continued unabated during the year, and the government continued to demonstrate a particular concern about the country's population of refugees from that country. As in previous years, approximately 98 percent of all refugees and asylum seekers were Afghan. During the year the government granted many Afghans refugee status, but only for one year, after which they had to reapply for status to stay in the country.

By December the government had 2,559 registered refugees and an additional 17 asylum seekers seeking refugee status, of whom 2,504 were Afghans. However, the UNHCR believed the government might have underestimated these figures. Official government statistics showed Afghan, Iranian, and Kyrgyz refugees as well as asylum seekers. Overall the government continued to cooperate with the UNHCR, which retained its observer status in the Refugee Status Determination Commission.

Although the law stipulates that refugee status should be granted for as long as three years, the transfer of refugee processing to the Ministry of the Interior in 2009 resulted in much shorter periods. The law officially allows refugees to apply for citizenship after two-and-one-half years, but very few applicants were granted citizenship in the past. Several citizenship cases the UNHCR submitted for direct consideration during the year were either refused or remained pending.

Employment.—Refugees and asylum seekers were generally required to secure employment, food, shelter, education, and access to basic services themselves, although the UNHCR provided significant assistance. By law registered refugees should have equal access to law enforcement and the judicial system. An increasing percentage of refugees entering the country did not possess professional backgrounds or job skills, and many faced discrimination by the local Tajik population. The requirement to live outside urban areas created additional problems for finding adequate work. The UNHCR provided some assistance to female refugees by providing vocational job training in skills such as sewing, cooking, and hairdressing. Most male refugees worked for small enterprises. Most female refugees did not work and remained in the home, in accordance with traditional cultures. Refugees and asylum seekers are legally entitled to education and health services alongside Tajik citizens. The Ministry of Education allowed Afghan parents to send their children to local schools without paying fees. UNHCR partners provided books and school uniforms and some language classes to these children and assisted with their medical expenses.

Durable Solutions.—In 2008 the government and UNHCR signed an agreement regarding local integration of refugees into the general population as a more durable solution to the refugee situation. The government promised to consider individual refugee cases for citizenship, but many of these cases remained pending.

According to the UNHCR, there were 440 stateless persons and 2,300 persons whose citizenship status was undetermined, meaning they were still using Soviet Union passports.

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

The law provides citizens with the right to change their government peacefully through elections. In practice the government restricted this right.

The president and his supporters continued to dominate the government. The president's political party, the PDPT, dominated both houses of parliament. PDPT members held most government positions. The president had broad authority to appoint and dismiss officials, and he exercised that authority throughout the year.

Elections and Political Participation.—There were eight legally registered political parties, including the PDPT. Observers considered only three of these parties to be

independent of the government. Opposition political parties had moderate popular support and faced scrutiny by the government. All senior members of President Rahmon's government were PDPT members, and most members of the country's 97-seat parliament were members of the PDPT, belonged to progovernment parties, or were PDPT-affiliated independents.

In the lower, 63-member chamber of the parliament, there were 12 female members and one minority group member. In the upper, 33-member chamber of parliament, there were five women and one member of a minority group. Cultural practices discouraged female participation in politics, although the government and political parties made efforts to promote their involvement.

There were no female ministers or ministers from minority groups. The deputy prime minister was a woman; several women held deputy minister positions.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but the government did not implement the law effectively. Officials frequently engaged in corrupt practices with impunity. Corruption, nepotism, and regional hiring bias were pervasive at all levels of government.

Corruption in the Education Ministry was systemic. Prospective students were required to pay thousands of dollars in bribes to enter the country's most prestigious universities, while even provincial colleges required several hundred dollars. Students often paid additional bribes to receive good grades on exams.

Many traffic police retained fines they collected for violations. Traffic police posted at regular intervals along roads arbitrarily stopped drivers to ask for bribes. The problem was systemic in part due to the low official wages paid to traffic police. According to reports many traffic police must pay for their jobs, an expense they try to recoup by extracting bribes from motorists.

The MVD and the Prosecutor General's Office are responsible for investigating, arresting, and prosecuting corrupt officials. The government acknowledged a problem with corruption and took some steps to combat it, including putting lower-level officials on trial for taking bribes. The government did not charge high-level officials with corruption.

The prosecutor general investigated some cases of corruption by government employees, but the bulk of the cases involved mid- or lower-level officials, and none involved large-scale abuses. Public officials were not subject to financial disclosure laws. According to the anticorruption agency, the government identified 1,017 cases of corruption by government officials and dismissed 60 officials for misconduct in the first six months of the year.

Public budgets, particularly those involving major state-owned enterprises, lacked transparency. Although parliament has oversight over the state budget, in practice it passed annual budgets almost without comment despite large, unexplained, and undefined expenses. In May 2010 the government released a report on budget performance for the previous year; the report contained numerous details about education, health, and other social sector spending. No such report was released during the year. A considerable amount of government spending appeared to occur off-budget, including major buildings, parks, and other special projects such as summer residences for the president.

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

As in previous years, domestic and international human rights groups usually were able to monitor and report on the general human rights situation in the country. NGOs and journalists were careful, however, to avoid public criticism of the president or other high-ranking officials.

U.N. and Other International Bodies.—The government generally cooperated with international NGOs. It facilitated visits by high-ranking officials from the U.N. the Organization for Security and Cooperation in Europe (OSCE), and other international organizations but continued to deny the ICRC access to prison facilities, although it opened a new dialogue in August.

Government Human Rights Bodies.—The Office of the Human Rights Ombudsman made very little effort to respond to civil complaints during the year, and its limited staff and budget further constrained its capacity to do so. As opposed to efforts made in the previous year, the Ombudsman's Office did not show any initiative to meet with NGOs to discuss specific human rights cases and general human rights issues in the country. Some meetings that were conducted were of general character and did not result in anything specific. The office lacked full independence; the ombudsman publicly defended some government policies that violated human rights.

The government's Office for Constitutional Guarantees of Citizens' Rights continued to investigate and answer citizens' complaints, but staffing inadequacies and uneven cooperation from other government institutions hampered the office's effectiveness. The parliamentary committee on legislation and human rights examined proposed legislation for compliance with human rights obligations, but according to observers it did not fulfill its primary responsibility to raise human rights concerns in new legislation.

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

The law provides for the rights and freedoms of every person regardless of race, gender, disability, language, or social status, but in practice there was discrimination against women and persons with disabilities. Trafficking in persons remained a problem.

Women.—Rape and Domestic Violence.—The law prohibits rape, which is punishable by up to 20 years' imprisonment. There is no separate statute for spousal rape. The government was unable to provide statistics on the number of cases or convictions. Law enforcement officials usually advised women not to file charges but registered cases on insistence of the victim. Most observers believed the majority of cases were unreported because victims wished to avoid being stigmatized.

Violence against women, including spousal abuse, remained a widespread problem. Between a third and a half of women experienced physical, psychological, or sexual abuse by husbands or other family members. Women massively underreported violence against them, fearing reprisals or because of inadequate response by the police and judiciary, resulting in virtual impunity for the perpetrators. Domestic violence was widely justified as a "family matter" by the authorities wishing to promote traditional gender roles. Women and girls were even more vulnerable to domestic violence because of early and unregistered marriages and an increased early drop-out rate from school.

There was one police station fully equipped to work with domestic violence victims. The station was one of the five nationwide staffed with police officers trained, also with OSCE support, to respond to family violence cases and address the needs of victims in a gender-sensitive manner. There was one comprehensive shelter for victims of domestic violence in the country, supported by the OSCE and operated by an NGO in Khujand. The government and NGOs operated additional crisis centers and hotlines for women in rural areas, where women could seek guidance on domestic violence problems and legal assistance, but many centers lacked funding and resources. Local governments donated the premises for three of the shelters. The Committee for Women's Affairs (within the government) had limited resources to assist domestic violence victims, but local committee representatives referred women to the crisis shelters for assistance.

There is no comprehensive law against domestic violence. The government took some steps to conduct public information campaigns and collect information on domestic violence, but most cases of domestic abuse went unreported. Authorities seldom investigated reported cases, and few alleged perpetrators were prosecuted. By law police cannot act without a written complaint from the victim, even if there were other witnesses, and police often gave only warnings, short-term detentions, or fines for committing "administrative offenses" in cases of domestic violence.

In some rural areas, officials observed a continued trend of female suicide; domestic abuse by in-laws or labor migration may have been contributing causes.

Sexual Harassment.—There was no specific statute banning sexual harassment in the workplace. Victims often did not report incidents because of fear of social stigma.

Reproductive Rights.—The government did not interfere with the rights of individuals and couples to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. According to the Ministry of Health, 26.7 percent of women between ages 15 and 49 used modern forms of contraception and 76 percent of births were attended by skilled personnel. The ministry also reported in November that 80.6 percent of women received postpartum care and that the maternal mortality rate was approximately 37 per 100,000 births.

Women were increasingly vulnerable to HIV infection because of social taboos on discussion of sex education issues and popular sentiment against the use of condoms. Women remained a minority of those infected with HIV, although their incidence of infection was increasing. According to the government's National Center on HIV, under the Ministry of Health, 989 new cases (707 men and 282 women) of HIV infection were detected during the year. The total number of officially registered HIV cases in the country was 3,846 individuals—2,987 men and 859 women.

Discrimination.—Women were underrepresented in decision-making processes at all levels of political institutions. Female representation in all branches of power was less than 30 percent. The country had no female ministers or ambassadors. The 2004 Council of Ulemo fatwa (religious edict) prohibiting women from praying in mosques remained in effect.

Amnesty International noted gender segregation in employment, "with the vast majority of the working female population (86 percent) working in the low-paid sectors, such as agriculture (75 percent), public health services, and education. Wages in these branches are approximately four to seven times lower than in other spheres (as in industry, construction, transportation, and communication). Furthermore, a significant number of women of employable age are engaged in housekeeping or in the informal sector of the economy." The law provides that women receive equal pay as men for equal work, but cultural barriers continued to restrict the professional opportunities available to women. According to the World Bank's Women, Business, and the Law report, women and men have equal ownership rights to property, although in practice women owned significantly less property than men. There was no specific statute prohibiting sexual harassment in the workplace. Victims often did not report incidents because of fear of social stigma.

The law protects women's rights in marriage and family matters, but some female minors were pressured to marry against their will. NGOs estimated that up to 10 percent of men practiced polygamy, although it is illegal. Women in polygamous marriages often were married in religious ceremonies but not registered with the government. Husbands who simply repeated a phrase in front of two witnesses could easily divorce unregistered wives. Inheritance laws do not discriminate against women, although in practice some inheritances passed disproportionately to sons.

Children.—Birth Registration.—Citizenship is derived both by birth within the country's territory and from one's parents. The government is required to register all births. Many parents do not register births until a child is ready to enter school, since birth registration is required to receive public services.

Education.—Free and universal public education is compulsory until the age of 16 or completion of the ninth grade. UNICEF indicated that school attendance was generally good through the primary grades, but girls faced disadvantages, especially in rural school systems where families elected to keep them home after primary grades to take care of siblings or work in agriculture. Underage marriage was widespread in some rural areas, and many parents directed their daughters to quit school after the ninth grade.

Child Abuse.—The Committee on Women and Family Affairs and regional child rights protection departments are responsible for addressing issues of violence against children. Girls who had been subject to all kinds of violence could receive support from several centers throughout the country. The Women of Science of Tajikistan Association, supported by UNICEF and the Dushanbe mayor's office, organized a hotline for free legal and psychological consultations for girls who were victims of violence.

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

Anti-Semitism.—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 on social protection of persons with disabilities applies to individuals having either physical or mental disabilities. The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and provision of other state services, but public and private institutions generally did not have the resources to provide legal safeguards. The law requires government buildings, schools, hospitals, and transportation to be accessible to persons with disabilities, but the government did not enforce these provisions. To attend school, children must be deemed "medically fit" by doctors. Many children with disabilities were not able to attend school because doctors considered them to be not "medically fit."

The government's Commission on Fulfillment of International Human Rights, the Society of Invalids, and local and regional governmental structures are charged with protecting the rights of persons with disabilities. Although the government maintained group living and medical facilities for persons with disabilities, funding was limited and facilities were in poor condition.

*National/Racial/Ethnic Minorities.*Generally discrimination was not a significant problem. There were reports that some law enforcement officials harassed ethnic Afghans and Uzbeks, but such reports were not common.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Gay and lesbian relationships have been legal in the country since 1998, and the age of consent is the same as for heterosexual relationships. Throughout the country there was significant societal discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons, and there was little to no public activism on their behalf. There were no known acts of violence against members of LGBT communities, and there were no documented cases of government discrimination against LGBT persons.

Other Societal Violence or Discrimination.—There was societal discrimination against individuals with HIV/AIDS. The government offered HIV testing free of charge at 140 facilities, and partner notification was mandatory and anonymous. The World Health Organization noted officials systematically offered HIV testing to prisoners, military recruits, street children, refugees, and persons seeking visas, residence, or citizenship.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law provides workers the right to form and join independent unions but requires all NGOs, including trade unions, to be registered. By law unions are allowed to conduct activities without interference, except "in cases specified by law," but those cases are not defined. Workers have the right to strike. The Law on Meetings does not restrict the right to strike but requires that meetings and other mass actions have prior official authorization, thus limiting trade unions' ability to organize meetings or demonstrations. The law provides for the right to organize and bargain collectively. The law does not specifically prohibit antiunion discrimination.

In practice workers joined unions. The government used informal means to exercise considerable influence over organized labor, including influencing the selection of labor union leaders. The umbrella Federation of Trade Unions of Tajikistan did not effectively represent worker interests. There were reports that the government compelled some citizens to join state-endorsed trade unions and impeded formation of independent unions. According to official figures, 1.3 million persons belonged to unions, approximately 63 percent of the active work force. There were no reports of antiunion discrimination during the year.

Citizens were reluctant to strike due to fear of government retaliation. Ninety percent of workers were covered by collective bargaining contracts. Foreign, specifically Chinese, workers in some cases received preferable treatment to Tajik workers in labor disputes.

Zervashan Gold Company continued to deny that Tajik workers went on strike in September to demand wages equivalent to their Chinese counterparts, who made 15-20 times more than Tajik workers. The case continued at year's end.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including of children, except in cases defined in the law. Since the Soviet era, local officials compelled state workers, particularly in the Khatlon and Sughd regions, to pick cotton during the annual cotton harvest.

On September 20, local media reported that companies in the Sughd region sent employees to the cotton fields to help with harvesting. Residents disputed claims by local authorities that this was voluntary. The head of the local administration's industry department received instructions to provide cotton pickers from the town of Qairoqqum and that "everyone going is a volunteer." Reports from the government and independent NGOs suggested that work done in the cotton fields was on a volunteer basis in most cases. Media reports of forced labor could not be corroborated.

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.—Forced child labor was a dwindling problem, and the government aggressively enforced labor laws and worked with the International Organization for Migration (IOM) to prevent the use of forced child labor in the autumn cotton harvest. The highest incidences of child labor were in the domestic and agricultural sectors, but over the past two years these cases have been isolated. The instances of forced child labor in the cotton harvest decreased drastically. The IOM interim report for the fall showed almost no cases of forced child labor, and most of these cases were prosecuted by local or national government authorities.

The minimum age for children to work is 16, although children may work at the age of 15 with local trade union permission. By law children younger than 18 may

work no more than six hours a day and 36 hours per week. Children as young as seven years old may participate in household labor and agricultural work, which are separately classified as family assistance. Many children younger than age 10 worked in bazaars or sold goods on the street.

The Inter-Ministerial Commission to Combat Trafficking in Persons disseminated a directive to local officials reiterating existing prohibitions. The government accredited NGOs working through the IOM to monitor the cotton harvest. These NGOs, with the cooperation of the government, conducted monitoring visits to cotton fields and schools. Government officials accompanying IOM representatives met with local officials to reiterate the law's prohibition against forced child labor. Site visits by diplomats confirmed monitors' observations that government efforts resulted in a significant reduction in the use of forced child labor. The government also distributed a second draft National Action Plan on Trafficking in Persons, including benchmarks and strategies for combating child labor for NGO and diplomatic community comment.

Enforcement of child labor laws is the responsibility of the Prosecutor's Office, MOJ, Ministry of Social Welfare, MVD, and appropriate local and regional governmental offices. Unions also are responsible for reporting any violations in the employment of minors. Citizens can bring unresolved cases between unions and employers before the prosecutor general for investigation. Few violations were reported, because most children worked under the family assistance exception.

d. Acceptable Conditions of Work.—The estimated average monthly wage was TJS 472 (approximately $100), but in many sectors the average wages were far lower. In the agricultural sector, for example, the average wage was estimated at TJS 108 ($24.50). The government acknowledged the problem of low wages and provided subsidies for workers and their families who earned the minimum wage of TJS 80 ($17) per month. Some establishments compensated their employees with food commodities or enterprise-produced products, which employees either sold or bartered in local markets. The government defines the minimum standard of living as a basket of goods equal to $24 per month. Thus a family of four requires a minimum of $96 a month to stay above the poverty line. The government does not have a formal poverty line.

The law provides for a standard workweek of 40 hours for adults older than 18 years old. The law mandates overtime payment, with the first two hours paid at one-and-one-half times the normal rate and the remainder at double the rate. The regulation was not enforced, and government employees were not paid for overtime work. Overtime payment was inconsistent in all sectors of the labor force. The Ministry of Finance enforces financial aspects of the labor law, and the Agency of Financial Control of the presidential administration oversees other aspects of the law. There is no legal prohibition on excessive compulsory overtime.

There are laws that establish relatively strict occupational health and safety standards. In practice the government did not fully comply with these standards, partly because of the degree of corruption and the low salaries paid to inspectors. The State Technical Supervision Committee under the Council of Ministers is responsible for enforcing health and safety standards. The law permits workers to remove themselves from hazardous conditions without risking loss of employment. This law was not enforced effectively, and in practice few workers removed themselves.

Farmers and agricultural workers, accounting for approximately 50 percent of the workforce, continued to work under difficult circumstances. There was no system to monitor or regulate working conditions in the agricultural sector. Wages were low, and many workers were paid in kind. Despite some changes, the government's failure to introduce and implement comprehensive property and land usage reforms continued to limit its ability to protect agricultural workers' rights.

TURKMENISTAN

EXECUTIVE SUMMARY

Although the constitution declares Turkmenistan to be a secular democracy and a presidential republic, the country has an authoritarian government controlled by the president, Gurbanguly Berdimuhamedov, and his Democratic Party, the country's only political party. Immediately after the death of President Saparmurat Niyazov in 2006, Berdimuhamedov was inaugurated president following presidential elections in February 2007, which did not meet international standards. December

2008 parliamentary elections also fell short of international standards. Security forces reported to civilian authorities.

The three most important human rights problems were arbitrary arrest, torture, and disregard for civil liberties including restrictions on freedoms of speech, press, assembly, religion, and movement.

Other continuing human rights problems included citizens' inability to change their government; denial of due process and fair trial; arbitrary interference with privacy, home, and correspondence; discrimination and violence against women; and restrictions on the free association of workers.

Officials in the security services and elsewhere in the government acted with impunity. There were no prosecutions of government officials for 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 that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—According to Human Rights Watch (HRW), approximately 10 men, allegedly members of the Ministry of National Security (MNB), forcibly entered the home of Bazargeldy and Aydjemal Berdyev and detained the couple on April 19. The couple had been seeking recompense for torture and confiscation of property since the late 1990s. No information was available about their whereabouts since their arrest.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—While the constitution and law prohibit such practices, security officials trying to extract confessions from detainees tortured and beat criminal suspects, prisoners, and individuals critical of the government. According to findings in an April report submitted to the U.N. Committee Against Torture (UNCAT) by Turkmenistan's Independent Lawyers Association (TILA) and the Turkmen Initiative for Human Rights, " ... among suspects placed in the temporary holding facility, every second person was exposed to varying types of abusive treatment and torture." The report also stated that the " ... beating and rape of inmates by the (penal) colony staff [and] the use of torture and psychological pressure are rampant. Such treatment of inmates results in frequent suicide attempts among the prison population."

Article 16 of the 2009 Law on the Status and Social Protection of a Military Serviceman states that the government provides for the health and lives of servicemen. Members of the military reported, however, that hazing of conscripts occurred and involved violations of human dignity and morale including brutality and verbal abuse. In contrast with previous years, however, the prevalence of hazing reportedly was much lower. Members of the military reported that officers responded to cases of abuse, inspected conscripts for signs of abuse, and punished abusers in some, but not all, cases. Hazing of conscripts reportedly was more prevalent outside of Ashgabat.

Prison and Detention Center Conditions.—Prison conditions were unsanitary, overcrowded, harsh, and life threatening. Some facilities, such as the minimum security camp LBK-12, are located in areas that result in inmates experiencing extremely harsh climate conditions, with excessive heat in the summers and frigid temperatures in the winter.

There were unconfirmed reports of physical abuse of prisoners by prison officials and other prisoners. According to the TILA report, the total imprisonment capacity in the colonies and prisons (excluding the military penal battalion) was 8,100 inmates. According to this report, however, prior to the amnesty act announced in 2009, the inmate population totaled 26,720 persons. This figure did not include detainees kept in pretrial detention facilities, police-run temporary holding facilities, occupational therapy rehabilitation centers, and the penal battalion. The detainees in pretrial detention facilities were predominantly individuals who had been sentenced but had not been transferred to colonies. The six pretrial detention facilities are designed for 1,120 persons, but it is estimated that they house three to four times that number.

The TILA report also noted that guards and other prisoners engaged in widespread violence against inmates. According to the February TILA report, in the LBK-12 facility, "physical abuse is used against inmates by the colony personnel and other individuals with the consent and often following the instructions of the colony's administration." The report also noted that there were several inmate groups organized on a "tribal principle" and that "real fights with knives and knuckles occur between the groups, which result in a high death toll among the prison population." Diseases, particularly tuberculosis (TB), were widespread. Due to overcrowding, officials reportedly held inmates diagnosed with TB and skin diseases with healthy detainees, contributing to the spread of disease. There continued to be concerns that the government did not adequately test and treat prisoners with TB

before they were released into the general population, although the government claimed that it did so. The government reported that it transferred prisoners diagnosed with TB to a special Ministry of Interior hospital in Mary Province for treatment and arranged for continuing treatment for released prisoners at their residences.

The nutritional value of prison food was poor, and the majority of prisoners suffered from malnutrition. Prisoners depended on relatives to supplement inadequate prison food supplies. Some family members and inmates stated that prison officials sometimes confiscated these food parcels. The availability of potable water could not be confirmed.

Authorities typically incarcerated men and women in separate facilities. The number of facilities for female prisoners and detainees was not available, but according to the TILA report there were 2,010 female prisoners held at the DZK/8 facility in Dashoguz.

Complete data on the average sentence or numbers of incarcerated juveniles were not available. A pretrial detention facility under the jurisdiction of the Interior Ministry housed adults and juveniles and accommodated approximately 800 persons. This number included individuals in pretrial detention, on remand, and those already convicted but not yet transferred to penal colonies.

In March the government revised Article 88 of the criminal code, which pertains to the punishment of juveniles. Under the revised code, first-time juvenile offenders convicted of minor offenses are subject to compulsory reform schooling rather than harsher forms of punishment. The government previously placed convicted juveniles in medical-educational facilities.

According to relatives, some prisoners were unable to receive supplies, and family members often were denied access to the prisoners. The government did allow diplomats to access prisoners held on criminal charges who were nationals of their countries. The government did not report whether prisoners were permitted religious observance and reported no systematic monitoring of prison and detention center conditions. There were no reports of a prison ombudsman.

Government officials generally disregarded inquiries from family members and diplomats about political prisoners' locations or condition. On March 28, however, the government released information about the number of family visits, food package, and medical services received since 2007 by imprisoned journalists Annagurban Amanklychev and Sapardurdy Hajiev. Government officials continued to refuse to permit family members and international observers, including the International Committee of the Red Cross (ICRC), access to detainees or prisoners. The government and the ICRC have been unable to agree on acceptable conditions for regular prison visits. As a result, the ICRC did not conduct regular prison visits during the year. In July, however, the government allowed ICRC officials to visit an unspecified Ministry of Interior facility.

On May 17 and 18, the UNCAT considered the initial report of the government on the fulfillment of its obligations as a signatory of the Convention against Torture. In its concluding observations, the UNCAT report expressed regret "that the [government's] report lacks statistical and practical information on the implementation of the provisions of the convention and that it was submitted 10 years late, which prevented the committee from conducting an analysis of the implementation of the convention by the state party following its ratification in 1999."

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, but both remained serious problems.

Role of the Police and Security Apparatus.—The Ministry of Interior directs the criminal police, who work closely with the Ministry of National Security (MNB) on matters of national security. The MNB plays a role in personnel changes in other ministries and enforces presidential decrees. Both the MNB and criminal police operated with impunity. The presidential commission created in 2007 to review citizens' complaints of abuse by law enforcement agencies did not conduct any known inquiries that resulted in members of the security forces being held accountable for abuses.

Arrest Procedures and Treatment While in Detention.—A warrant is not required for arrest when officials catch a suspect in the act of committing an offense. The prosecutor general issues an authorization for arrest within 72 hours of detention. If, within 10 days of detention, investigating authorities do not find proof of guilt, they must release the detainee. If officials identify evidence of guilt, the investigation can last as long as two months. A provincial or national-level prosecutor may extend the investigation period to six months. The national prosecutor general or deputy prosecutor general may extend the investigation period to a maximum of one year. Following the investigation, the prosecutor prepares a bill of indictment and

the case is transferred to the court. These procedures generally were respected in practice, and the prosecutor promptly informed detainees of the charges against them.

The criminal procedure code provides for a bail system and surety; however, these provisions were not implemented. The law provides that detainees are entitled to immediate access to an attorney of their choice after a formal accusation, but in practice detainees did not have prompt or regular access to legal counsel. Authorities denied some detainees visits by family members during the year. Families sometimes did not know the whereabouts of detained relatives. Incommunicado detention was a problem. The scope of these problems in the criminal justice system was unclear. Authorities legally had to issue a formal indictment within 10 days of arrest to hold detainees longer. Authorities, however, did not adhere to these provisions in practice.

Arbitrary Arrest.—The law characterizes any opposition to the government as treason. Those convicted of treason face life imprisonment and are ineligible for amnesty or reduction of sentence. There were no known treason convictions during the year. In the past the government arrested and filed charges against those expressing critical or differing views on economic or criminal charges instead of charging its critics with treason.

Pretrial Detention.—Generally the law permits detention to last no longer than two months, but in exceptional cases it can be extended to one year if an investigator makes a request to the prosecutor general. For minor crimes a much shorter investigation period applies. In contrast with previous years, authorities rarely exceeded legal limits for pretrial detention. In the past chronic corruption and cumbersome bureaucratic processes contributed to lengthy trial delays; however, the government's anticorruption efforts and the establishment of the Academy of State Service to improve state employees' qualifications generally eliminated such delays.

Although in past years the government detained regime opponents under house arrest without due process, no provision in the criminal procedure code authorizes such punishment.

On April 11, officials from the MNB detained Bisengul Begdesenov, a leader of the Kazakh community, in his home. According to HRW, MNB officials searched his home without a warrant and confiscated computers, USB memory cards, and documents. He was tried, found guilty of fraud, given a suspended sentence, and released in May.

According to Radio Free Europe/Radio Liberty (RFE/RL), in February Amangelen Shapudakov, an 80-year-old pensioner and civic activist, traveled to Ashgabat to complain to the Interior Ministry about local corruption. In an interview with RFE/RL, he stated that police officers in the Kopetdag district of Ashgabat beat him, drove him back to his home village of Garrygala, and told him that if he returned to Ashgabat again, worse would happen to him. According to the RFE/RL report, Turkmen authorities detained Shapudakov on March 9 and confined him to a psychiatric hospital in Balkanabat. He was released after 43 days in confinement.

Amnesty.—The government pardoned an unannounced number of prisoners in May in honor of Victory Day and International Children's Protection Day. In August the government pardoned 3,700 prisoners in advance of the Night of Omnipotence holiday. President Berdimuhamedov granted amnesty to 1,700 prisoners in October in connection with the Independence Day holiday. Another 754 prisoners received amnesty in December on the occasion of Neutrality Day.

e. Denial of Fair Public Trial.—Although the law provides for an independent judiciary, in practice the judiciary was subordinate to the president. There was no legislative review of the president's judicial appointments and dismissals, except for the chairman (chief justice) of the Supreme Court, whose nomination the parliament nominally reviewed. The president had sole authority to dismiss any judge. The judiciary was widely reputed to be both corrupt and inefficient.

Trial Procedures.—The law provides for due process for defendants, including a public trial, access to accusatory material, the right to call witnesses to testify on their behalf, a defense attorney or a court-appointed lawyer if the defendant cannot afford one, and the right to represent oneself in court. In practice authorities often denied these rights. Defendants frequently did not enjoy a presumption of innocence. There was no jury system. The government permitted the public to attend most trials but closed some trials, especially those it considered politically sensitive. There were few independent lawyers available to represent defendants. The criminal procedure code provides that defendants be present at their trials and consult with their attorneys in a timely manner. The law sets no restrictions on a defendant's access to an attorney. The court at times did not allow defendants to confront or question a witness against them and denied defendants and their attorneys ac-

cess to government evidence. In some cases courts refused to accept exculpatory evidence provided by defense attorneys, even if that evidence might have changed the outcome of the trial.

Even if the courts observed due process, the authority of the government prosecutor far exceeded that of the defense attorney, making it difficult for the defendant to receive a fair trial. Court transcripts frequently were flawed or incomplete, especially when defendants' testimony had to be translated from Russian to Turkmen. Defendants could appeal a lower court's decision and petition the president for clemency. There were credible reports that judges and prosecutors often predetermined the outcome of the trial and sentence.

Political Prisoners and Detainees.—Opposition groups and some international organizations stated the government held political prisoners and detainees. The precise number of these individuals—which included persons convicted of involvement in the 2002 attack on former President Niyazov—remained unknown.

Civil Judicial Procedures and Remedies.—The civil judiciary system was neither independent nor impartial, as the president appointed all judges. According to the law, evidence gathered during a criminal investigation can be used as the basis for a civil action in a process called "civil lawsuit in criminal justice." In the past there were reports of bribes in the civil court system to ensure a particular outcome. In cases in which the state had interests regarding an individual citizen, it imposed court orders. The most commonly enforced court orders were eviction notices.

Property Restitution.—The government failed to enforce the law consistently with respect to restitution or compensation for confiscation of private property. In 2007 President Berdimuhamedov announced there would be no housing demolition unless replacement housing was available. Nonetheless, during the year the government continued to demolish some private homes in and around Ashgabat as part of an urban renewal program without adequately compensating the owners. In June the government announced the creation of a new interagency commission, authorized by the president, to consider complaints from residents whose homes were located at the construction sites of new buildings in Ashgabat and the provinces. The number and manner of resolution of complaints brought before this commission were unknown.

As in previous years, there were reports that the government gave persons as few as 72 hours to vacate their homes and did not provide homeowners with alternative accommodations or compensation.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, but authorities frequently did not respect these prohibitions in practice. In some cases authorities forcibly searched the homes of some minority religious group members without independent judicial authorization. The law does not regulate surveillance by the state security apparatus, which regularly monitored the activities of officials, citizens, opponents and critics of the government, and foreigners. Security officials used physical surveillance, telephone tapping, electronic eavesdropping, and informers. The government reportedly intercepted surface mail before delivery, and letters and parcels taken to the post office had to remain unsealed for government inspection.

A regulation stating that a noncitizen may marry a citizen only after residing in the country for one year restricts the right of eligible men and women to marry. There were numerous reports that government security officials harassed foreigners married to female citizens. There were instances in which the government did not recognize marriage licenses issued outside the country.

Individuals who were harassed, detained, or arrested by authorities, as well as their family members, reported that the government caused family members to be fired from their jobs or expelled from school. Authorities sometimes also detained and interrogated family members.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—Freedom of Speech: The constitution and law provide for freedom of speech and press, but the government did not respect these rights in practice. The government warned critics against speaking with visiting journalists or other foreigners about human rights problems.

Freedom of the Press.—The government financed and controlled almost all print media. A new "private" weekly newspaper, Rysgal, opened during the year. The newspaper's stories, however, were largely reprints of state media outlets or reflected the views of the state news agency. The government imposed significant restrictions on the importation of foreign newspapers except for the private but gov-

ernment-sanctioned Turkish newspaper Zaman, which reflected the views of the state newspapers.

The government controlled radio and local television, but satellite dishes providing access to foreign television programming were widespread throughout the country. Citizens received international radio programs through satellite access.

Violence and Harassment.—In 2010 government agents reportedly detained, harassed, and intimidated journalists and their families. There were reports that law enforcement officials harassed and detained citizen journalists who worked for foreign media outlets. For example, journalists working for RFE/RL reported frequent surveillance and harassment by government authorities. In October authorities sentenced RFE/RL reporter Dovletmurat Yazguliyev, who had reported on the details of the explosion of ordnance at an arms depot in the village of Abadan, to five years in prison for his alleged role in his sister-in-law's suicide attempt. Members of Yazguliev's family reported that police pressured them into filing charges against him. The government granted amnesty to Yazguliev in late October.

During the year there were several reports that the government used restrictions on travel abroad to punish independent journalists and individuals who openly criticized the government. The government also restricted the travel of journalists' family members. As in previous years, the government required state journalists to obtain permission to cover specific events as well as to publish or broadcast the subject matter they had covered.

Censorship or Content Restrictions.—Domestic journalists and foreign news correspondents engaged in self-censorship due to fear of government reprisal. The government continued to censor newspapers and prohibit reporting of opposition political views or of any criticism of the president.

To regulate domestic printing and copying activities, the government required all publishing houses and printing and photocopying establishments to obtain registration licenses for their equipment. The government did not allow the publication of works on topics that were out of favor with the government, including some works of fiction.

The government continued its ban on subscriptions to foreign periodicals by nongovernmental entities, although copies of the Russian newspaper Argumenti I Fakti and other nonpolitical periodicals appeared occasionally in the bazaars. During the year the government reinstituted a subscription service to Russian-language outlets for government workers, although these publications were not available for public use.

Publishing Restrictions.—There was no independent oversight of media accreditation, no defined criteria for allocating press cards, no assured provision for receiving accreditation when space was available, and no protection against the withdrawal of accreditation for political reasons. The government required all foreign correspondents to apply for accreditation. It granted visas to journalists from outside the country only to cover specific events, such as international conferences and summit meetings, where their activities could be monitored. At least seven journalists representing foreign media organizations were accredited. Turkish news services had eight correspondents in the country, at least five of whom reportedly were accredited. Despite submitting official applications repeatedly over several years, RFE/RL has never received a response from the government to accredit correspondents. As many as 11 correspondents representing foreign media services operated without accreditation. Visiting foreign journalists reported harassment and denial of their freedom of movement when they attempted to report outside official channels.

Internet Freedom.—The government continued to monitor citizens' e-mail and Internet activity, and reports indicated that the MNB controlled the main access gateway, monitored users' browsing, blocked access to certain sensitive Web sites, and cut service in certain cases. The government detained and harassed several citizen journalists who used the Internet to share photographs of the destruction caused by the munitions explosions in Abadan in July.

Academic Freedom and Cultural Events.—In March the president issued a decree to allow state agencies to recognize diplomas issued by foreign universities. However, previous procedures such as mandatory testing on the Ruhnama and The History of Turkmenistan, as well as specialized exams in Turkmen, remained in place and complicated the recognition of foreign diplomas. The government did not announce any new procedures to formalize the recognition of foreign diplomas, and many graduates of foreign universities reported that they were unable to certify their diplomas with authorities at the Ministry of Education, making them ineligible for employment at state agencies. Some reported that ministry officials demanded bribes to allow for certification of their diplomas.

The government did not tolerate criticism of government policy or the president in academic circles and curtailed research into areas it considered politically sensitive, such as comparative law, history, ethnic relations, and theology.

Ministry of Education officials and provincial authorities sought to prevent students who were not ethnic Turkmen from entering exchange programs and Turkmen universities.

Most secondary school textbooks were revised to remove all text devoted to former president Niyazov and his family, although a picture of Niyazov continued to appear on the first page of each textbook. Text devoted to President Berdimuhamedov's "New Revival" ideology replaced the previous text on Niyazov and his family. Despite a 2008 Ministry of Education report stating that all textbooks had been completely revised, only approximately half of them had been revised at year's end.

Although restrictions eased somewhat, the government refused to permit the production of some foreign plays and performances in state theaters. Only the Russian theater in Ashgabat continued to stage foreign plays in Russian, and those plays were invariably apolitical.

The Ministry of Culture censored and monitored all public exhibitions, including music, art, and cultural events.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly, but the government restricted this right in practice. Authorities neither granted the required permits for public meetings and demonstrations during the year nor allowed unregistered organizations, particularly those perceived to have political agendas, to hold demonstrations. In May police arrested four women for organizing a demonstration to protest the demolition of private homes to make way for new government buildings, according to the independent Web site, Chronicles of Turkmenistan.

Freedom of Association.—Although the constitution and law provide for freedom of association, the government restricted this right in practice. The law requires all nongovernmental organizations (NGOs) to register with the Ministry of Justice (MOJ) and all foreign assistance to be registered with the MOJ and the Ministry of Economics and Development and coordinated through the Ministry of Foreign Affairs. Unregistered NGO activity is punishable by a fine, short-term detention, and confiscation of property. Of the 98 registered NGOs, international organizations recognized only eight as being independent. NGOs reported that the government presented a number of administrative obstacles to NGOs that attempted to register. Some applications repeatedly were returned on technical grounds. Some organizations awaiting registration found alternate ways to carry out activities, such as registering as businesses or subsidiaries of other registered groups, but others temporarily suspended or limited their activities.

Sources noted a number of barriers to the formation and functioning of civil society in the country. These included government requirements that founders of associations be citizens and that associations operating nationally have at least 500 members to be registered. Other barriers included regulations that permitted the MOJ to send representatives to association events and meetings and requirements that associations notify the government about their planned activities.

There were no independent political groups. The only registered political party was the ruling Democratic Party, the former Communist Party of Turkmenistan. The government officially did not prohibit membership in political organizations, but in practice there were no reports of persons who claimed membership in political organizations other than the Democratic Party.

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 do not provide for full freedom of movement.

In-country Movement.—The law requires internal passports and residency permits. A border permit requirement remained in effect for all foreigners.

Citizens are not allowed to hold dual citizenship, and this requirement was enforced periodically. Officials pressured dual citizens departing the country to renounce one of their citizenships before officials allowed them to leave. Individuals who indicated dual citizenship when applying for new-style international passports were denied the passports, whereas persons reporting only Turkmen citizenship received them.

Foreign Travel.—While the government denied maintaining a list of persons not permitted to depart the country, it continued to bar certain citizens from departing. All citizens and visitors to the country are required to undergo a check by the State

Migration Service prior to departing the country. On April 6, State Migration Service airport authorities did not permit a group of doctors to board a plane although the group members already had tickets and visas. In addition, some university students reported that they were not allowed to leave the country. No explanation was provided in these cases. A 2005 migration law forbids travel by any citizen who has access to state secrets, has falsified personal information, has committed a serious crime, is under surveillance, might become a trafficking victim, or previously has violated the law of the destination country, or whose travel contradicts the interests of national security. The education law allows the government to impose limitations on obtaining education in specific professions and specialties; this law has been applied to prevent students from travelling abroad to study.

Exile.—The law provides for internal exile, requiring an individual to reside in a certain area for a fixed term of two to five years.

Protection of Refugees.—In 2009 the government assumed responsibility from the U.N. High Commission for Refugees (UNHCR) for making refugee status determinations. While formally there is a system for granting refugee status, in practice it is inactive. The government has not developed support services for individuals awaiting a refugee status determination. The UNHCR issues refugee certificates to the mandate refugees granted refugee status prior to 2009. Those certificates are the only official evidence of a refugee's legal status. The mandate refugees are required annually to renew the UNHCR certificates with the government. There were 59 UNHCR-mandate refugees in the country.

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 has not granted asylum to refugees since 2005.

Nonrefoulement.—The government asserted that no UNHCR-mandate refugees were expelled or forced to return 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, however, the government denied the asylum requests of six university students from Afghanistan who claimed that the Taliban would threaten their families' lives if they returned to Afghanistan. The UNHCR intervened to advise the government against returning the students to Afghanistan, all six of whom returned to Afghanistan voluntarily. Two of the students then reentered Turkmenistan on family reunification visas. The government forcibly deported a third student to Afghanistan when he returned to Turkmenistan and requested asylum a second time.

The UNHCR has observer status at government-run refugee status determination hearings. Individuals determined not to be refugees by the government have recourse to the UNHCR to obtain mandate refugee status.

Access to Basic Services.—Refugees had access to basic services such as health care and primary and secondary education, but they were not eligible for government employment and did not have the right to own property or a company.

Stateless Persons.—Citizenship is derived from one's parents. The UNHCR estimated there were as many as 15,000 undocumented individuals who may be at risk of statelessness. The number of stateless persons who are also refugees was not available. The government's requirement that applicants for citizenship prove they are not citizens of another country impeded efforts to establish the nationality of undocumented persons.

During the year the State Migration Service, jointly with the UNHCR, registered approximately 8,000 persons age 18 and above and considered at risk of statelessness, thereby bringing the total number of individuals registered since 2007 to 20,000. These individuals largely were undocumented residents who held Soviet passports when the Soviet Union dissolved and who did not have a state affiliation when those passports expired in 1999. The government administratively processed many of these residents and issued them residency permits. Under two presidential decrees, the government granted citizenship to 1,590 formerly stateless persons in July and another 1,728 in October.

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

Citizens could not freely choose and change the laws and officials that governed them. The constitution declares the country to be a secular democracy in the form of a presidential republic. It calls for separation of powers among the branches of government but vests a disproportionate share of power in the presidency. In practice the president's power over the state continued to be absolute.

According to the Organization for Security and Co-operation in Europe (OSCE), the election law does not meet OSCE standards.

Elections and Political Participation.—Recent Elections.—District people's council elections took place in December 2010. Local council (gengesh) elections were held in 2009 under a law that had been revised in April to bring electoral procedures into line with the 2008 constitution and electoral law. The 2008 constitution gave broader powers to the Mejlis (parliament), increased the president's powers, and abolished the Halk Maslahaty (People's Council) as a political body. In May the Mejlis revised the Law on Presidential Elections, which reduced the number of requirements for the registration of candidates.

Political Parties.—The Democratic Party is the country's only political party. Article 30 of the constitution guarantees the right of citizens to set up political parties within the framework of the constitution and other laws. In addition, Article 93 guarantees the right of political parties to nominate candidates in conformance with electoral law. No such electoral law exists, however, which deterred the participation of opposition candidates. According to the nongovernmental Jamestown Foundation, the government did not permit opposition movements outside the country, including the National Democratic Movement of Turkmenistan, the Republican Party of Turkmenistan, and the Fatherland (Watan) Party, to operate within the country.

Participation of Women and Minorities.—There were 21 women in the 125-member parliament or Mejlis, including the Mejlis speaker. Women served in a few prominent government positions, including deputy chairman of the Cabinet of Ministers for Culture, Television Broadcasting, and the Press (a vice premier position), minister of education, minister of textile industry, director of the State Archives, director of the Institute for Democracy and Human Rights, the chairpersons of two of five parliamentary committees, and the chairperson of the state publishing service.

The government gave preference for appointed government positions to ethnic Turkmen, but ethnic minorities occupied several senior government positions. Members of the country's largest tribe, the president's Teke tribe, held the most prominent roles in cultural and political life.

Section 4. Official Corruption and Government Transparency

While the law provides criminal penalties for official corruption, the government did not implement the law effectively, and officials reportedly often engaged in corrupt practices with impunity. Corruption existed in the security forces and in all social and economic sectors. Factors encouraging corruption included the existence of patronage networks, a lack of transparency and accountability, and the fear that the government would retaliate against a citizen who chose to highlight a corrupt act. According to the World Bank's Worldwide Governance Indicators, the country had a severe corruption problem.

As in the previous year, the president reprimanded a number of ministers and government officials, dismissing some from their positions. Others were investigated and arrested for alleged malfeasance, although a lack of information about their cases made it difficult to determine whether their arrests were politically motivated.

In July the courts sentenced four officials from the Central Bank to prison for extorting bribes from Turkish businessmen involved in construction project. The prison sentences ranged from five to 17 years. The trial was not open to the public.

Financial disclosure requirements are neither transparent nor consistent with international norms. Government enterprises are not required to publicize financial statements, even to foreign partners. Financial audits are often conducted by local auditors, not internationally recognized firms.

There is no law that allows for public access to government information, and in practice the government did not provide access. Authorities denied requests for specific information on the grounds that the information was a state secret. Some statistical data were considered state secrets. There was no public disclosure of demographic data, and officials published manipulated economic and financial data to justify state policies and expenditures.

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

There were no domestic human rights NGOs due to the government's refusal to register such organizations and restrictions that made activity by unregistered organizations illegal. During the year the government continued to monitor the activities of nonpolitical social and cultural organizations.

U.N. and Other International Bodies.—There were no international human rights NGOs with a permanent presence in the country, although the government permitted international organizations, including the OSCE and UNHCR, to have resident missions. Government restrictions on freedoms of speech, press, and associa-

tion severely restricted international organizations' ability to investigate, understand, and fully evaluate the government's human rights policies and practices.

Continuing a trend from the previous year, the government appeared to have relaxed somewhat its past efforts to control citizens' access to international organizations and missions and to discourage citizens from cooperating with foreigners. The government allowed unfettered access to the OSCE Center. There were no reports that the government discouraged citizens from contacting other international organizations.

During the year the government did not implement any of the recommendations made in 2009 by the U.N. special rapporteur on freedom of religion or belief.

Government Human Rights Bodies.—The government-run Institute for Democracy and Human Rights, established in 1996 with a mandate to support democratization and monitor the protection of human rights, was not an independent body. Its ability to obtain redress for citizens was limited. Nonetheless, it played an unofficial ombudsman's role to resolve some citizen human rights-related petitions during the year. In August the president signed a decree establishing the Interagency Commission on Enforcing Turkmenistan's International Obligations on Human Rights and International Humanitarian Law. Specific information about this commission's plans was not available. In 2005 the president established the parliamentary Committee on the Protection of Human Rights and Liberties to oversee human rights-related legislation. No public information about its human rights activities existed.

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

Although the law prohibits discrimination based on race, gender, disability, language, ethnic minority status, or social status, discrimination continued to be a problem, as did violence against women.

Women.—Rape and Domestic Violence.—Rape, including spousal rape, is illegal, with penalties of three to 25 years' imprisonment based on the level of violence of the incident and whether the attacker was a repeat offender. A cultural bias against reporting or acknowledging rape made it difficult to determine the extent of the problem, but some sources indicated rape was not uncommon.

The law prohibits domestic violence, including spousal abuse, but the government did not enforce the law effectively. Penalties, for example, are based on the extent of the injury, but are not specified in the criminal code. According to indicators published by the U.N. Development Program in 2009, the country is included in the category of countries in which "there are no or weak laws against domestic violence, rape, and marital rape, and these laws are not generally enforced."

Anecdotal reports indicated domestic violence against women was common; most victims of domestic violence kept silent because they were unaware of their rights or afraid of increased violence from husbands and relatives. There were a few court cases and occasional references to domestic violence in the media. One official women's group in Ashgabat and several informal groups in other regions assisted victims of domestic violence. A local organization continued to operate a domestic violence hotline with support from the OSCE Center in Ashgabat. The same NGO also provided free legal consultations and psychological assistance to victims of domestic violence and organized awareness-raising seminars on domestic violence for the general public.

Harmful Traditional Practices.—There were no reports of "honor" killings. Authorities did not undertake specific efforts to prevent harmful practices such as "honor" killings or "dowry deaths," but they effectively prosecuted homicides under the criminal code.

Sexual Harassment.—No law specifically prohibits sexual harassment, and reports suggested sexual harassment existed at the workplace.

Reproductive Rights.—Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and have the means to do so free from discrimination, coercion, and violence.

According to the Population Reference Bureau, approximately 70 percent of women received prenatal care, skilled personnel attended 99 percent of births, and 99 percent of women received at least one postnatal care visit. Modern contraceptive methods were available to 99 percent of the public. Statistics on contraceptive use by single women were unavailable, but 53 percent of married women used some form of modern contraceptives. Due to cultural attitudes, almost one-third of married women opposed the use of family-planning methods. A local source who worked for an HIV/AIDS project confirmed that women and men are diagnosed and treated equally for sexually transmitted infections.

Discrimination.—Women had equal rights under family law and property law and in the judicial system. The Mejlis Committee on Human Rights and Liberties was

responsible for drafting human rights and gender legislation, integrating a new gender program into the education curriculum, and publishing regular bulletins on national and international gender laws. By law women are equal to men in all spheres, including wages, loans, starting businesses, and working in government. Nevertheless, in practice, women continued to experience discrimination due to cultural biases. Employers allegedly gave preference to men to avoid productivity losses due to pregnancy or child-care responsibilities. Women were underrepresented in the upper levels of government-owned economic enterprises and were concentrated in health care, education, and service professions. The government restricted women from working in some dangerous and environmentally unsafe jobs.

The government did not acknowledge, address, or report on discrimination against women. There is no special government office that promotes the legal rights of women, but the Women's Union (a government-affiliated "NGO") and the National Institute of Democracy and Human Rights worked on women's legal rights.

Children.—Birth Registration.—According to the law, a child's citizenship is derived from one's parents. In the event a child is born to stateless persons possessing permanent resident status in the country, the child is considered a citizen. The government took modest steps to address the welfare of children, including increased cooperation with UNICEF and other international organizations on programs designed to improve children's health.

UNICEF reported that 96 percent of urban children and 95 percent of rural children had their births registered.

Child Abuse.—There were isolated reports of child abuse. In 2006 the U.N. Committee on the Rights of the Child issued recommendations that called on the government to focus efforts on issues of family and alternative care, juvenile justice, child abuse prevention, health and welfare, education, children with disabilities, and special protection measures.

Child Marriage.—According to the most recent data available (provided in a 2006 UNICEF report), 9 percent of marriages involved minors.

Sexual Exploitation of Children.—The legal age of consent is 16. Production of pornographic materials or objects for the purpose of distribution or advertisement and trade in printings, movies or videos, depictions, or other objects of a pornographic nature, including those of children, is punishable in accordance with Article 164 of the criminal code. An Interpol report noted that the criminal code ".enacts criminal liability for involvement of minors into prostitution."

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 an estimated 300 Jews, predominantly in Ashgabat, but no organized Jewish community. 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 the provision of other state services or other areas. However, in practice persons with disabilities encountered discrimination and regularly were denied work, education, and access to health care and other state services because of strong cultural biases.

The government provided subsidies and pensions for persons with disabilities, although the assistance was inadequate to meet basic needs. The government considered persons with disabilities who received subsidies as being employed and therefore ineligible to compete for jobs in the government, the country's largest employer.

Some students with disabilities were unable to obtain education because there were no qualified teachers, and facilities were not accessible for persons with disabilities. Students with disabilities did not fit the unofficial university student profile and were not admitted to universities. The government placed children with disabilities, including those with mental disabilities, in boarding schools where they were to be provided with education and employment opportunities, if their condition allowed them to work; in practice neither was provided. Special schools for those with sensory disabilities existed in the larger cities. The government began construction of boarding schools with rehabilitation centers for persons with disabilities in each province and in Ashgabat.

Although the law requires new construction projects to include facilities that allow access by those with disabilities, compliance was inconsistent and older buildings remained inaccessible. A lack of consistent accessibility standards resulted in some new buildings with inappropriately designed access ramps. The Ministry of Social Welfare was responsible for protecting the rights of persons with disabilities. This

ministry provided venues and organizational support for activities conducted by NGOs that assist persons with disabilities.

*National/Racial/Ethnic Minorities.*The law provides for equal rights and freedoms for all citizens. Minority groups, including the Kazakh cultural center Elimay Turkmenistan, tried to register as NGOs to have legal status to conduct cultural events, but no minority groups succeeded in registering during the year.

The law designates Turkmen as the official language, although it also provides for the rights of speakers of minority languages. Russian remained prevalent in commerce and everyday life in the capital, even as the government continued its campaign to conduct official business solely in Turkmen. The government required ministry employees to pass tests demonstrating knowledge of professional subjects in Turkmen; employees who failed the exam were dismissed. The government dedicated resources to provide Turkmen language instruction for non-Turkmen speakers only in primary and secondary schools.

Non-Turkmen speakers noted that some avenues for promotion and job advancement were closed to them, and only a handful of non-Turkmen occupied high-level jobs in government ministries. In some cases applicants for government jobs had to provide information about ethnicity going back three generations. The government often targeted non-Turkmen first for dismissal when government layoffs occurred.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Consensual same-sex sexual conduct between men is illegal and punishable by up to two years in prison; the law does not mention women. According to one human rights NGO, homosexuality was considered a mental disorder by authorities, and gay men were sometimes sent to psychiatric institutions for treatment.

There were no recorded cases of violence or other human rights abuses based on sexual orientation and gender identity, and no information was available regarding discrimination against lesbian, gay, bisexual, and transgender individuals in employment, housing, statelessness, access to education, or health care.

Other Societal Violence or Discrimination.—There was no reported societal violence or discrimination against persons with HIV/AIDS. The government did not officially recognize any cases of HIV/AIDS in the country.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law allows citizens to join independent unions and provides for collective agreements and negotiations between workers and their employers that enumerate rights and responsibilities. The law does not allow workers to strike or to bargain collectively. The law does not prohibit antiunion discrimination by employers against union members and organizers. There are no mechanisms for resolving complaints of discrimination, nor does the law provide for reinstatement.

Freedom of association was not respected in practice. All existing trade and professional unions were government-controlled and had no independent voice in their own activities. The government did not permit private citizens to form independent unions. There were no reports of labor strikes or attempts to organize union activity.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor. There were no reports of such practices.

c. Prohibition of Child Labor and Minimum Age for Employment.—The minimum age for employment of children is 16 and in a few heavy industries, 18. The law prohibits children between the ages of 16 and 18 from working more than six hours per day. A 15-year-old may work four to six hours per day with parental and trade union permission, although such permission rarely was granted. The law prohibits children from working overtime or between the hours of 10 p.m. and 6 a.m. A presidential decree bans child labor in all sectors and also specifies that children are not permitted to participate in the cotton harvest. There are laws and policies to protect children from exploitation in the workplace. The MOJ and the Prosecutor General's Office were responsible for enforcing child labor laws. The government effectively enforced the section of the labor code prohibiting child labor.

d. Acceptable Conditions of Work.—The minimum monthly wage for all sectors is 400 manat ($140). An official estimate of the poverty-level income was not available. The standard legal workweek is 40 hours with weekends off. The law states that overtime or holiday pay should be double the regular payment. Maximum overtime in a year is 120 hours and cannot exceed four hours in two consecutive days. The law prohibits pregnant women, women that have children up to three years of age, women with disabled children under age 16, and single parents with two or more children from working overtime.

The law provides state employees with a minimum 30 days of paid annual leave, 45 calendar days for teachers at all types of educational institutions, and 55 days for professors. The law permits newlyweds and their parents 10 days of paid leave for the preparation of weddings. Workers also receive 10 days of paid leave to carry out funeral rites and commemoration ceremonies in the event of a death of a close relative. Upon reaching age 62, citizens are entitled to an additional three days of paid leave.

The government did not set comprehensive standards for occupational health and safety. There is no state labor inspectorate. There are, however, 14 labor inspectors employed by state trade unions who have the right to provide improvement notices to government industries. According to the law, trade union inspectors cannot levy fines.

In practice the government required its workers and many private sector employees to work 10 hours a day or a sixth day without compensation. Reports indicated that many public sector employees worked at least a half day on Saturdays. Laws governing overtime and holiday pay were not effectively enforced.

Construction workers and industrial workers in older factories often labored in unsafe environments and were not provided proper protective equipment. Some agricultural workers were subjected to environmental health hazards related to the application of defoliants in preparing cotton fields for mechanical harvesting. Workers did not have the right to remove themselves from work situations that endangered their health or safety without jeopardy to their continued employment. Work-related injury statistics were not available.

UZBEKISTAN

EXECUTIVE SUMMARY

Uzbekistan is an authoritarian state with a constitution that provides for a presidential system with separation of powers among the executive, legislative, and judicial branches. In practice President Islam Karimov and the centralized executive branch dominated political life and exercised nearly complete control over the other branches of government. In 2007 the country elected President Karimov to a third term in office in polling that, according to the limited observer mission from the Organization for Security and Cooperation in Europe (OSCE), deprived voters of a genuine choice. Parliamentary elections took place in December 2009. While OSCE observers reported noticeable procedural improvements in comparison to the 2004 parliamentary elections, the 2009 elections were not considered free and fair due to government restrictions on eligible candidates and government control of media and campaign financing. There are four progovernment political parties represented in the bicameral parliament. Security forces reported to civilian authorities.

The most significant human rights problems included: instances of torture and abuse of detainees by security forces; denial of due process and fair trial; and restrictions on religious freedom, including harassment and imprisonment of religious minority group members.

Other continuing human rights problems included: incommunicado and prolonged detention; harsh and sometimes life-threatening prison conditions; arbitrary arrest and detention (although officials released four high-profile prisoners detained for apparently political reasons); restrictions on freedom of speech, press, assembly, and association; governmental restrictions on civil society activity; restrictions on freedom of movement; 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.

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

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

During the year the government did not authorize an independent international investigation of the alleged killing of numerous unarmed civilians during the violent disturbances in Andijon in 2005. The government stated after its 2005 investigation that armed individuals initiated violence by firing on government forces. The death toll varied between the government's report of 187 and eyewitnesses' reports of several hundred individuals. The government has not held anyone publicly accountable for the civilian casualties.

b. Disappearance.—There were no reports of politically motivated disappearances. Unconfirmed reports persisted regarding disappearances of persons who were present at the 2005 violent disturbances in Andijon.

In its 2010 annual report, the U.N. Working Group on Enforced or Involuntary Disappearances noted that there were no new cases transmitted to the government, but that there were seven outstanding cases from previous years.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the constitution and law prohibit such practices, law enforcement and security officers routinely beat and otherwise mistreated detainees to obtain confessions or incriminating information. Sources reported that torture and abuse were common in prisons, pretrial facilities, and local police and security service precincts. Reported methods of torture included severe beatings, denial of food, sexual abuse, simulated asphyxiation, tying and hanging by the hands, and electric shock.

The government reported that during the first nine months of the year prosecutors opened nine criminal cases, which resulted in the conviction of 12 law enforcement personnel on charges of torture or other cruel, inhuman, or degrading treatment. There was no information available about the sanctions or sentences handed down.

The U.N. Human Rights Committee expressed concerns in a March 2010 publication that the country's definition of torture in the criminal code is not in conformity with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which the country is a party.

In late October, the parents of Dilshod Shohidov released an open letter to government officials alleging that prison authorities at high security prison 64/46 in Navoi regularly subjected their son to acts of torture and abuse. The letter also alleged that the prison administration employed other inmates to beat Shohidov with truncheons and that during winter months he was handcuffed and forced to stay in his cell naked for several days.

In August and December, relatives of Azam Farmonov, a member of the Human Rights Society of Uzbekistan sentenced to nine years in prison for "swindling" in 2006, reported that he had been subjected to torture and mistreatment during the year. On or about August 15, Captain Shavkat Vaisniyozov and guard Habib Abdullaev of 64/71 in Jaslik allegedly beat and threatened to suffocate Farmonov after he refused to write a statement that he was being treated well. In April prison officials reportedly transferred Farmonov and eight other prisoners from Jaslik to a pretrial detention facility (UYa 64/9) in Nukus for two weeks due to the arrival of a "commission" in Jaslik. Farmonov allegedly was tortured in Nukus as well. Upon return to Jaslik, prison authorities reportedly forced Farmonov to shave with the same razor that five inmates with HIV/AIDS had used.

There was no further information available concerning the 2010 abuse cases of Sanjar Narmuradov, Kurban Kadyrov, Dilshodbek Amanturdiev, or Rustam Usmanov.

Authorities reportedly meted out harsher than typical treatment to individuals suspected of Islamist extremism throughout the year, especially to pretrial detainees who were allegedly members of banned religious extremist political organizations or to the Nur group, which is not officially banned. Local human rights workers reported that authorities often offered payment or other inducements to inmates to beat other inmates suspected of religious extremism.

In contrast to past years, there were no reports of politically motivated medical abuse. Family members of several inmates whom the international community considered political prisoners asserted that officials did not grant prisoners' requests for medical evaluation and treatment. Among these prisoners were Alisher Karamatov, Norboy Holjigitov, Agzam Turgunov, Habibulla Okpulatov, and Dilmurod Sayid.

Prison and Detention Center Conditions.—Prison conditions were in some circumstances life-threatening. Reports of overcrowding were common, as were reports of severe abuse and shortages of medicine. Inmates and their families reported that food and water were of poor quality but generally available. There were reports of political prisoners being held in cells without proper ventilation, and prisoners occasionally were subjected to extreme temperatures. Family members of inmates reported incidents of sexual abuse. Family members also reported that officials frequently withheld or delayed delivery of food and medicine intended for prisoners.

In August a group of domestic human rights organizations met with representatives of the Polish Embassy in their capacity as EU president to express concern about the continued use of torture and a rise in sexual abuse against female prisoners. Representatives of the Tashkent-based human rights organization "Ezgulik" presented the results of eight months of monitoring of the penitentiary system, highlighting women's prison 64/7 in the Zangiota district of Tashkent region for widespread accounts of sexual abuse.

Relatives reported the deaths of several prisoners serving sentences, most of which were related to religious extremism. In some cases, family members reported that the body of the prisoner showed signs of beating or other abuse, but authorities pressured the family to bury the body before examination by a medical professional. Reported cases that fit this pattern included the deaths of Ulugbek Gaforov and Abdulfattoh Raimokhunov in January, and Abdumannon Ortiqov in June.

On September 28, the Initiative Group of Independent Human Rights Defenders of Uzbekistan (IGIHRDU) reported information received from family members that 51-year-old Ravshan Atabaev died in Navoi prison 64/36 as a result of tuberculosis and torture. Atabaev was sentenced in 2005 to14 years in prison on a number of charges stemming from participation in the May 2005 events in Andijon. The IGIHRDU also reported that a law enforcement source indicated that between 20 to 30 prisoners sentenced in connection with Andijon die yearly in prison. This information could not be confirmed independently.

There was no further information available concerning the 2010 deaths of Farmon Yiginov and Sunnatillo Zaripov.

According to family members and some nongovernmental organizations (NGOs), authorities failed to release prisoners, especially those convicted of religious extremism, at the end of their terms. Prison authorities often extended inmates' terms by accusing them of additional crimes or claiming that the prisoners represented a continuing danger to society. Trials for such offenses took place within the prisons, and defendants often were not given access to lawyers or relatives. Although it is technically possible for inmates to appeal such decisions, many inmates did not have the expertise to initiate an appeal.

According to 2009 statistics, the government held approximately 42,000 inmates at 58 detention facilities. Men, women, and juvenile offenders were held in separate facilities. There were reports that in some facilities inmates convicted of attempting to overturn the constitutional order were held separately, and prison officials did not allow inmates convicted under religious extremism charges to interact with other inmates. Officials also held former law enforcement officers in a separate facility.

Prison officials generally allowed family members to visit prisoners for up to four hours two to four times per month. There were, however, reports that relatives of prisoners charged with religious or extremism charges were denied visitation rights. Officials also permitted visits of one- to three-days duration, two to four times per year, depending on the type of prison facility. Family members of political prisoners reported that officials frequently delayed or severely shortened visits arbitrarily. The government stated that prisoners have the right to practice any religion or no religion, but prisoners frequently complained to family members that they were not able to observe religious rituals that conflicted with prison scheduling. Such rituals included engaging in traditional Islamic morning prayers. Prisoners also were not allowed access to religious materials.

According to the law, authorities at pretrial detention facilities are required to arrange a meeting between a detainee and a representative from the Human Rights Ombudsman's Office upon a detainee's request. Officials allowed detainees in prison facilities to submit confidential complaints to the Ombudsman's Office and to the Prosecutor General's Office, and both offices were authorized to initiate investigations into complaints. In its 2010 report, the Ombudsman's Office reported it received 16 complaints during the year from prisoners about illegal actions by penitentiary officials. The Ombudsman's Office considered 15 of the complaints and was able to intervene successfully in two cases. The Ombudsman's Office is empowered to make recommendations on behalf of prisoners, including requesting changes to sentences to make them more appropriate to nonviolent offenders.

The Ministry of Interior (MOI) performs regular inspections of all prison facilities, and representatives of other state bodies, including the parliament, the National Human Rights Center, and the Cabinet of Ministers also are allowed to access the prison system upon request.

The International Committee of the Red Cross (ICRC) monitors facilities under the responsibility of the prison administration, assessing the conditions of detention and the treatment of detainees, although financial and personnel constraints mean that its representatives cannot visit all facilities. The ICRC does not have access to pretrial detention facilities under the authority of the National Security Service (NSS). During the year, the ICRC carried out 37 humanitarian visits, visiting 27,974 detainees held in 25 places of detention. During these visits the ICRC representatives monitored the cases of 986 detainees, including 118 women and 53 minors. The ICRC also facilitated the exchange of 636 Red Cross messages between detainees and their relatives. The ICRC kept its findings confidential and shared them only with the government.

Prison administration officials reported that the World Health Organization had an active tuberculosis program in the prisons both to treat and stop the spread of tuberculosis, and an HIV/AIDS treatment and prevention program has been in place since 2008. Officials reported that hepatitis was not present in high numbers, and hepatitis patients were treated in existing medical facilities and programs.

On September 29, the president signed into law provisions concerning detention during criminal proceedings. The law specifies the rights of detainees, including the right to submit complaints about violations or abuses during detention, meet with their relatives and lawyers, and to personal security. The law forbids discrimination against detainees on the basis of gender, race, nationality, language, religion, social origin, beliefs, personal and social status, as well as torture and other cruel, inhuman, or degrading treatment. It also provides the Ombudsman's Office with unrestricted access to detention facilities and to meet confidentially with detainees.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, but authorities continued to engage in such practices.

Role of the Police and Security Apparatus.—The government authorizes three different entities to investigate criminal activity: The MOI controls the police, who are responsible for law enforcement and maintenance of order and investigate general crime. The NSS, headed by a chairman who reports directly to the president, deals with a broad range of national security and intelligence issues, including terrorism, corruption, organized crime, and narcotics. Prosecutors investigate violent crimes such as murder, as well as corruption by officials and abuse of power. Where jurisdictions overlap, the agencies determine among themselves which should take the lead. The MOI's main investigations directorate maintained internal procedures to investigate abuses and discipline officers accused of human rights violations, but in practice the government rarely punished officials who committed human rights abuses. A human rights and legal education department within the Ministry of Interior investigated some police brutality cases. The Human Rights Ombudsman's Office, affiliated with the parliament, also had the power to investigate cases, although its decisions on such investigations had no binding authority.

The government reported that during the first nine months of the year, it opened 334 criminal cases against employees of law enforcement bodies. A total of 253 cases were forwarded to the courts and resulted in the conviction of 361 law enforcement employees on charges including abuse of power, negligence, fraud, bribery, and theft.

There was no further information available regarding the disposition of criminal charges brought against 186 employees of law enforcement bodies in 2010 for unstated reasons.

Arrest Procedures and Treatment While in Detention.—By law a judge must review any decision to arrest accused individuals or suspects, and defendants have the right to legal counsel from the time of arrest, although officials do not always grant that right in practice.

According to judicial reforms made in 2008, detainees have the right to request hearings before a judge to determine whether they remain incarcerated or are released. The arresting authority is required to notify a relative of the detainee about the detention and to question the detainee within 24 hours of being taken into custody. Suspects have the right to remain silent. Detention without formal charges is limited to 72 hours, although a prosecutor can request an additional 48 hours, after which time the person must be charged or released. Implementation of these reforms has been slow. In practice judges granted arrest warrants in most cases, and authorities continued to hold suspects after the allowable period of time. The judge conducting the arrest hearing was allowed to sit on the panel of judges during the individual's trial. There were complaints that authorities tortured suspects before notifying either family members or attorneys of their arrests.

Once authorities file charges, suspects can be held in pretrial detention for up to three months while investigations proceed. The law permits an extension of the investigation period for up to one year at the discretion of the appropriate court upon a motion by the investigating authority. A prosecutor may release a prisoner on bond pending trial, although in practice authorities frequently ignored these legal protections. Those arrested and charged with a crime may be released without bail until trial on the condition that they provide assurance that they will appear at trial and register each day at a local police station. State-appointed attorneys are available for those who do not hire private counsel.

In 2009 the Cabinet of Ministers adopted a decree requiring that all defense attorneys pass a comprehensive relicensing examination. Several experienced and knowledgeable defense lawyers who had represented human rights activists and independent journalists lost their licenses in the process. As a result, several other activ-

ists and defendants faced difficulties in finding attorneys to represent them. Amendments to the criminal procedure code in 2008 abolished provisions that allowed unlicensed advocates to represent individuals in criminal and civil hearings. However, a court has the discretion to allow such an advocate if the advocate belongs to a registered organization.

There were reports that police arrested persons on false charges of extortion, drug possession, or tax evasion as an intimidation tactic to prevent them or their family members from exposing corruption or interfering in local criminal activities.

Arbitrary Arrest.—Authorities continued to arrest persons arbitrarily on charges of extremist sentiments or activities and association with banned religious groups. Local human rights activists reported that police and security service officers, acting under pressure to break up extremist cells, frequently detained and mistreated family members and close associates of suspected members of religious extremist groups. Coerced confessions and testimony in such cases were commonplace.

The IGIHRDU reported in early August on the arrests of Kholmurod Shokirov, Zaynobiddin Mamatov, Zayniddin Israilov, Botir Navruzov, and Yuldash Ergashev reportedly on charges related to religious extremism. In the case of Shokirov, the IGIHRDU alleged that police officers Uktam Ibragimov and Ulugbek Mamasoliev falsified arrest documents and Buka District Criminal Court Judge O.I. Ismoilov approved 10 days' detention in a hearing that took place without lawyers or witnesses. Detention authorities allegedly threatened and tortured Shokirov while he was in custody in the MOI pretrial detention facility in Tashkent Region.

Pretrial Detention.—In general prosecutors exercised discretion over most aspects of criminal procedures, including pretrial detention. Detainees had no access to a court to challenge the length or validity of pretrial detention. Even when authorities filed no charges, police and prosecutors frequently sought to evade restrictions on the duration a person could be held without charges by holding persons as witnesses rather than as suspects. In September human rights organizations reported that the authorities were also classifying some detainees whose residences were in fact established as "homeless" or "John Does" since the law provides for detention of up to 30 days while the police establish individuals' identities. During the year pretrial detention typically ranged from one to three months. The government did not provide the number of persons held in pretrial detention centers.

Amnesty.—On December 5, the Senate approved a prisoner amnesty. According to its terms, women, underage offenders, men over age 60, foreign citizens, and persons with disabilities or documented serious illnesses were eligible. The bill also included first-time offenders convicted of participation in banned organizations and the commission of crimes against peace or public security who "have firmly stood on the path to recovery." Amnesty options included release from prison, transfer to a work camp, or termination of a criminal case at the pretrial or trial stage.

Local prison authorities have considerable discretion in determining who qualifies for release as they determine whether a prisoner is "following the way of correction" or "systematically violating" the terms of incarceration. Officials often cited "violation of internal prison rules" as a reason for denying amnesty and for extending sentences. Officials often determined that political and religious prisoners were ineligible for amnesty based on these provisions. During the year family members reported that two imprisoned journalists—Dilmurod Sayid and Salijon Abdurakhmanov—were accused of breaking the rules of the institutions where they were incarcerated and expressed concern that this would make them ineligible for an amnesty.

e. Denial of Fair Public Trial.—Although the constitution provides for an independent judiciary, the judicial branch often took direction from the executive branch.

Under the law the president appoints all judges for renewable five-year terms. Removal of Supreme Court judges must be confirmed by parliament, which in practice generally complied with the president's wishes.

Trial Procedures.—The criminal code specifies a presumption of innocence. There are no jury trials. Most trials officially are open to the public, although access was sometimes restricted in practice. Judges may close trials in exceptional cases, such as those involving state secrets or to protect victims and witnesses. Courts often demanded that international observers obtain written permission from the court chairman or from the Supreme Court before being allowed to observe proceedings. Judges granted international observers, including foreign diplomats, access to certain hearings. Authorities generally announced trials only one or two days before they began.

Generally, a panel of one professional judge and two lay assessors, selected by committees of worker collectives or neighborhood committees, presided over trials.

The lay judges rarely spoke, and the professional judge usually accepted prosecutor recommendations on procedural rulings and sentencing.

Defendants have the right to attend court proceedings, confront witnesses, and present evidence. The government generally observed these rights, including in high-profile human rights and political cases. In the vast majority of criminal cases brought to court, the verdict was guilty.

Defendants have the right to hire an attorney, and the government improved access to attorneys after establishing a 24-hour on-call system in 2008. The government provides legal counsel without charge when necessary. According to reports, state-appointed defense attorneys acted routinely in the interest of the government rather than of their clients.

By law a prosecutor must request an arrest order from a court, but it was rare for a court to deny such a request. Prosecutors have considerable power after obtaining an arrest order; they direct investigations, prepare criminal cases, and recommend sentences. The prosecutor decides whether a suspect is released on bail or stays in pretrial detention after formal charges are filed. Although the criminal code specifies a presumption of innocence, in practice a prosecutor's recommendations generally prevail. If a judge's sentence does not correspond with the prosecutor's recommendation, the prosecutor may appeal the sentence to a higher court. Judges often base their verdicts solely on confessions and witness testimony, which may be extracted through torture, threats to family members, or other means of coercion. Legal protections against double jeopardy are not applied in practice.

The law provides a right of appeal to all defendants, but appeals rarely resulted in reversals of convictions. In some cases, however, appeals resulted in reduced or suspended sentences.

Defense attorneys may access government-held evidence relevant to their clients' cases once the initial investigation is completed and the prosecutor files formal charges. There is an exception, however, for evidence that contains information that if released could pose a threat to state security. As was the case in previous years, courts invoked that exception, leading to complaints that its primary purpose is to allow prosecutors to avoid sharing evidence with defense attorneys. In many cases, prosecution was based solely upon defendants' confessions or incriminating testimony from state witnesses, particularly in cases involving those accused of religious extremism. Lawyers may, and occasionally did, call on judges to reject confessions and investigate claims of torture. Judges often did not respond to such claims or dismissed them as groundless.

Political Prisoners and Detainees.—International and domestic human rights organizations estimated that authorities held 10 to 25 individuals on political grounds, but the government asserted that these individuals were convicted for violating the law. Officials released four high-profile prisoners—Yusuf Juma, Maxim Popov, Norboy Holjigitov, and Jamshid Karimov—during the year. Family members of several political prisoners reported abuse in prison and deterioration of the prisoners' health.

According to Ezgulik, in August trials began for approximately 10 of 28 individuals extradited to Uzbekistan from Kazakhstan in June. The individuals, who claimed refugee status in Kazakhstan but were denied, were accused of involvement in bombings that took place in Tashkent in 1999 and in the 2008 attack on Tashkent Imam Anvar Qori Tursunov, as well as participation in the banned Jihadisti (Jihodchilar) religious group.

In January the Angren Criminal Court sentenced Matlyuba Kamilova, a human rights activist and school principal from Angren, to 11 years in prison for drug possession. An appeals court reduced the sentence to eight years and at year's end Kamilova was held at the women's prison in Zangiota. Friends of Kamilova previously asserted that police planted the drugs in her purse in retaliation for her efforts to expose police corruption.

During the year an appeals court confirmed the September 2010 decision by a Tashkent court to fine human rights activist Anatoly Volkov 1.5 million soum ($715) for "swindling" money from a 90-year-old pensioner. Observers believed the charges were in retaliation for Volkov's human rights activities. Volkov appealed the decision on September 22, but the court did not issue a decision by year's end. According to Volkov, the court considered the appeal in his absence, and he learned of the decision afterwards. He planned to appeal and request a new investigation.

Civil Judicial Procedures and Remedies.—Although the constitution provides for it, the judiciary is not independent or impartial in civil matters. Citizens may file suit in civil courts, if appropriate, on cases of alleged human rights violations. There were isolated reports that bribes to judges influenced civil court decisions; for example, in late October, police detained Sulaimon Akbarov, a judge with the Rishton

Interdistrict Civil Affairs Court, and charged him with soliciting a bribe of 2.1 million soum ($1,000) to decide a case in favor of one of the parties.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—Although the constitution and law forbid such actions, authorities did not respect these prohibitions in practice. The law requires a search warrant for electronic surveillance, but there is no provision for judicial review of such warrants.

There were reports that police and other security forces entered the homes of human rights activists and members of some religious groups without a warrant. On numerous occasions, members of Protestant churches who held worship services in private homes reported that armed security officers raided services and detained and fined church members for religious activity deemed illegal under the administrative or criminal code. For example, on July 28, the Gulistan Municipal Criminal Court convicted nine members of an unregistered Baptist church in Gulistan of unregistered religious activity and illegal teaching of religion and issued fines ranging from 50,000 to five million soum ($24 to $2,400).

Human rights activists and political opposition figures generally assumed that security agencies covertly monitored their telephone calls and activities.

The government continued to use an estimated 12,000 neighborhood committees ("mahallas") as a source of information on potential extremists. Committees served varied social support functions, but they also functioned as a link among local society, government, and law enforcement. Mahalla committees in rural areas tended to be more influential than those located in cities.

There were credible reports that police, employers, and mahalla committees harassed family members of human rights activists. After human rights activist Tatiana Dovlatova participated in a controversial Russian TV program about the status of the ethnic Russian minority in the country, local authorities stripped her brother of his handicapped status and pension, her common-law husband was fired from his job, and police arrested her son on drug charges. Dovlatova claimed that these events were part of a government campaign targeting her.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—Freedom of Speech.—The constitution and law provide for freedom of speech and press, but the government did not respect these rights in practice, severely limiting freedom of expression.

The law restricts criticism of the president, and public insult to the president is a crime punishable by up to five years in prison. The law specifically prohibits publication of articles that incite religious confrontation and ethnic discord or that advocate subverting or overthrowing the constitutional order.

Freedom of the Press.—The law holds all foreign and domestic media organizations accountable for the accuracy of their reporting, bans foreign journalists from working in the country without official accreditation, and requires that foreign media outlets be subject to mass media laws. The government prohibits the promotion of religious extremism, separatism, and fundamentalism, as well as the instigation of ethnic and religious hatred. It bars legal entities with more than 30 percent foreign ownership from establishing media outlets in the country.

Articles in state-controlled newspapers reflected the government's viewpoint. The main government newspapers published selected international wire stories. The government allowed publication of a few private newspapers with limited circulation containing advertising, horoscopes, and some substantive local news, including infrequent stories critical of government socioeconomic policies.

The government published news stories on the official Internet sites of various ministries. A few purportedly independent Web sites consistently reported the government's viewpoint.

The four state-run channels dominated television broadcasting. Numerous privately owned regional television stations and privately owned radio stations were influential among local audiences.

Violence and Harassment.—During the year harassment of journalists continued. Police and security services subjected print and broadcast journalists to arrest, harassment, intimidation, and violence, as well as to bureaucratic restrictions on their activity.

On August 22, Tashkent International Airport security authorities detained independent journalist Elena Bondar for four hours upon her return from Bishkek, where she attended journalism courses sponsored by the OSCE Academy and Deutsche Welle. Border control and customs officers searched Bondar and confiscated CDs, two video-cassettes, and a USB-drive for further inspection. Authorities opened administrative proceedings against Bondar for failure to declare goods but later

dropped the charges. In September she came under pressure for failing to have a residency permit (propiska) for Tashkent.

As in past years, the government harassed journalists from state-run and independent media outlets in retaliation for their contact with foreign diplomats, specifically questioning journalists about such contact. Some journalists refused to meet with foreign diplomats face-to-face because doing so in the past resulted in harassment and questioning by the NSS.

Censorship or Content Restrictions.—Journalists and senior editorial staff in state media organizations reported that there were officials whose responsibilities included censorship. There continued to be reports that government officials and employers provided verbal directives to journalists to refrain from covering certain events sponsored by foreign embassies and in some cases threatened termination for non-compliance. There were reports, however, that regional television outlets broadcast some moderately critical stories on local issues such as water, electricity, and gas shortages, as well as corruption and pollution.

The government continued to refuse Radio Free Europe/Radio Liberty (RFE/RL), Voice of America, and BBC World Service permission to broadcast from within the country. It also continued to use accreditation rules to deny foreign journalists and media outlets, as well as international NGOs, the opportunity to work in the country.

Libel Laws/National Security.—The criminal and administrative codes impose significant fines for libel and defamation. The government used charges of libel, slander, and defamation to punish journalists, human rights activists, and others who criticized the president or the government. On August 5, the Cabinet of Ministers adopted a decision to create an "Expert Commission on Information and Mass Communication" to analyze whether publications adhere to legislative requirements to protect privacy, prevent a "destructive negative information-psychological impact on citizens' perceptions, and preserve and support national cultural traditions and heritage." Journalists and human rights activists warned that these provisions could be misused to silence dissenting views.

As of year's end, the Supreme Court had yet to rule on the appeal submitted in May 2010 by photographer Umida Ahmedova, whom a Tashkent court found guilty in February 2010 of defaming the Uzbek people through a book of photography and a documentary film; the court immediately granted her amnesty from punishment.

Publishing Restrictions.—Government security services and other offices regularly directed publishers to print articles and letters under fictitious bylines and gave explicit instructions about the types of stories permitted for publication. Often there was little distinction between the editorial content of a government or privately owned newspaper. Journalists engaged in little independent investigative reporting. The number of critical newspaper articles remained low and narrow in their scope. Widely read tabloids, however, were able to publish some articles that presented mild criticism of government policies or which discussed some problems that the government considered sensitive, such as trafficking in persons.

Internet Freedom.—The government generally allowed access to the Internet, including social media sites. However, Internet service providers, allegedly at the government's request, routinely blocked access to Web sites or certain pages of Web sites the government considered objectionable. The government blocked several domestic and international news Web sites and those operated by opposition political parties. Beginning on August 9, more than 60 Internet sites, including the Financial Times, the New York Times, Reuters, Reporters without Borders, and a number of Russia-based news media, were inaccessible for a number of days.

The media law defines web sites as media outlets, requiring them, as is the case with all local and foreign media, to register with the authorities and provide the names of their founder, chief editor, and staff members. Web sites were not required to submit to the government hard copies of publications, as was required of traditional media outlets.

Several active online forums allowed registered users to post comments and read discussions on a range of social issues facing the country. In order to become a registered user in these forums, individuals needed to provide personally identifiable information. It is not clear whether the government attempted to collect this information. At the beginning of September, the country unveiled a new government-sponsored social media site—Muloqot—that requires users provide a registered local cell phone number in order to gain full access to the site. Civil society activists claimed that the government monitored and censored the site by directing the deletion of the accounts of users who posted RFE/RL content, which is blocked.

A decree requires that all Web sites seeking ".uz" domain must register with the state Agency for Press and Information. The decree generally affected only govern-

ment-owned or government-controlled Web sites. Opposition Web sites and those operated by international NGOs or media outlets tended to have domain names registered outside the country.

Some human rights activists believed that their e-mail was monitored by the government, but there was no corroborating evidence to support those claims.

Academic Freedom and Cultural Events.—The government continued to limit academic freedom and cultural events. In August local authorities in Tashkent forced the closure of an art exhibition of young artists organized by photographer Umida Ahmedova. Authorities occasionally required department head approval for university lectures or lecture notes, and university professors generally practiced self-censorship. Numerous students reported that universities taught mandatory courses on books and speeches of the president and that missing any of these seminars constituted grounds for expulsion.

In October, according to news reports citing a unnamed member of Uzbekkino, the national film association, members of the NSS warned the country's leading writers, painters, musicians, and drama and film professionals against using religious themes in their work during a meeting held at the State Academic Drama Theater.

Although a decree prohibits cooperation between higher educational institutions and foreign entities without the explicit prior approval of the government, foreign institutions often were able to obtain such approval by working with the Ministry for Foreign Affairs (MFA), especially for foreign language projects. Some school and university administrations, however, continued to pressure teachers and students to refrain from participating in conferences sponsored by diplomatic missions.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly, but in practice the government often restricted this right. Authorities have the right to suspend or prohibit rallies, meetings, and demonstrations for security reasons. The government often did not grant the required permits for demonstrations. Citizens are subject to large fines for facilitating unsanctioned rallies, meetings, or demonstrations by providing space or other facilities or materials, as well as for violating procedures concerning the organizing of meetings, rallies, and demonstrations.

Authorities dispersed and occasionally detained those involved in peaceful protests, and sometimes pressed administrative charges as a result of protest actions. Among many examples was police action on June 27, when police detained former television journalists Malohat Eshonqulova and Saodat Omonova in the front of the presidential administration as they demonstrated in an attempt to seek a meeting with the president. Police transported Eshonqulova and Omonova to the Yakkasaroy District Criminal Court where Judge Shamshutdinova fined them each 2.94 million soum ($1,400) for violating the procedures for organizing meetings, rallies, and demonstrations. Human rights groups reported that the hearing lasted 10 minutes and was held without the defendants' lawyer. In protest, Eshonqulova and Omonova undertook a hunger strike, which lasted for approximately two weeks.

On July 15, the Mirzo Ulugbek District Court in Tashkent fined a locally employed staff member of the British Embassy an amount equal to 80 monthly minimum wages (approximately 4.5 million soum or $2,100) for conducting an unsanctioned meeting. The charges, which were upheld on appeal, stemmed from civil society workshops organized on the premises of the British embassy.

Freedom of Association.—While the law provides for freedom of association, the government continued to restrict this right in practice. The government sought to control NGO activity and expressed concerns about internationally funded NGOs and unregulated Islamic and minority religious groups. There are strict legal restrictions on the types of groups that may be formed, and the law requires that all organizations be registered formally with the government. The law allows for a six-month grace period for new organizations to operate while awaiting registration from the Ministry of Justice, during which time the government officially classifies them as "initiative groups." Several NGOs continued to function as initiative groups for periods longer than six months.

NGOs that intend to address sensitive issues such as HIV/AIDS or refugee issues often faced increased difficulties in obtaining registration. The government allowed nonpolitical associations and social organizations to register, but complicated rules and a cumbersome bureaucracy made the process difficult and allowed opportunities for government obstruction. The government compelled most local NGOs to join a government-controlled NGO association that allowed the government some control over the NGOs' funding and activities. The degree to which NGOs were able to operate varied by region because some local officials were more tolerant of NGO activities.

The administrative liability code imposes large fines for violations of procedures governing NGO activity, as well as for "involving others" in illegal NGOs. The law does not specify whether "illegal NGOs" are those that the government suspended or closed or those that were unregistered. The administrative code also imposes penalties against international NGOs for engaging in political activities, activities inconsistent with their charters, or activities the government did not approve in advance. The government increased efforts to enforce the 2004 banking decree that, although ostensibly designed to combat money laundering, also complicated efforts by registered and unregistered NGOs to receive outside funding. The Ministry of Justice requires NGOs to submit detailed reports every six months on any grant funding received, events conducted, and planned events for the next period.

The Finance Ministry required humanitarian aid and technical assistance recipients to submit information about their bank transactions.

The law criminalizes membership in organizations the government broadly deems "extremist." The law also bans the extremist Islamist political organization Hizb-ut Tahrir, stating it promotes hate and condones acts of terrorism.

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.—In-country Movement.—The constitution and law provide for freedom of movement within the country and across its borders, although the government limited this right in practice. The government at times delayed domestic and foreign travel and emigration during the visa application process. Borders occasionally were closed around national holidays due to security concerns. Permission from local authorities is required to move to Tashkent City or Tashkent Region, although authorities rarely granted such permission without the payment of bribes.

Foreign Travel.—Citizens are required to have a domicile registration stamp in their passport before traveling domestically or leaving the country. The government also requires citizens and foreign citizens permanently residing in the country to obtain exit visas for foreign travel or emigration, although it generally grants the visas. In July the Cabinet of Ministers adopted amendments to exit visa procedures that allowed denial to travel on the basis of "information demonstrating the inexpedience of the travel." According to civil society activists, these provisions were poorly defined and such decisions could not be appealed. In addition, ostensibly in an effort to combat trafficking in persons, the country introduced regulations that required male relatives of women age 18 to 35 to submit a statement pledging that the women would not engage in illegal behavior, including prostitution, while abroad.

As in past years, although the law prescribes that a decision should be reached within 15 days, there were reports that the government delayed exit visas for human rights activists and independent journalists to prevent their travel abroad. For example, during the year authorities subjected human rights activists Dmitriy Tikhonov and Vladimir Khusainov, and independent journalist Abdumalik Boboev to such delays, although Tikhonov and Boboev eventually received visas after waiting 10 and four months, respectively. In August the government refused to issue an exit visa to human rights activist Tatiana Dovlatova, citing her January conviction on hooliganism charges.

Citizens generally continued to be able to travel to neighboring states. Land travel to Afghanistan remained difficult. Citizens needed permission from the NSS to cross the border.

The government requires hotels to register foreign visitors with the government on a daily basis. Foreigners who stay in private homes are required to register their location within three days of arrival. Government officials closely monitor foreigners in border areas, but foreigners generally can move within the country without restriction.

Emigration and Repatriation.—The law does not provide for dual citizenship. In theory, returning citizens must prove to authorities that they did not acquire foreign citizenship while abroad or face loss of citizenship. In practice citizens who possessed dual citizenship generally traveled without impediment.

The government noted that citizens residing outside the country for more than six months could register with the country's consulates, and such registration was voluntary. Unlike in some previous years, there were no reports that failure to register rendered citizens residing abroad and children born abroad stateless.

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.

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 due to their race, religion, nationality, membership in a particular social group, or political opinion. As during the previous year, there were no reported cases of the government forcibly removing Afghan refugees from the country.

During the year, in the absence of a U.N. High Commissioner for Refugees (UNHCR) presence, the U.N. Development Program (UNDP) continued to assist with monitoring and resettlement processing of 173 pending (predominantly Afghan) refugee cases, which predated the closure of the UNHCR in 2006. During the year the UNDP completed processing 60 cases involving 97 people. Because the UNDP does not process new claims or make refugee status determinations, it refers potential applicants to the UNHCR offices in neighboring countries.

Since 2007 the MFA has not considered UNHCR mandate certificates as the basis for extended legal residence, and persons carrying such certificates must apply for either tourist visas or residence permits or face possible deportation. Residence permits were difficult to obtain, and there were cases during the year when law enforcement bodies revoked residence permits, forcing refugees to leave the country. The government considered the UNHCR mandate refugees from Afghanistan and Tajikistan to be economic migrants, and officials sometimes subjected them to harassment and bribery. Most refugees from Tajikistan were ethnic Uzbeks; unlike refugees from Afghanistan, those from Tajikistan were able to integrate into the local communities, and the local population supported them. Some refugees from Tajikistan were officially stateless or faced the possibility of becoming officially stateless, as many carried only old Soviet passports rather than Tajik or Uzbek passports. Children born to two stateless parents receive the country's citizenship only if both parents have a residence permit.

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

The constitution and law provide citizens with the right to change their government peacefully. In practice the government severely restricted freedom of expression and suppressed political opposition. President Karimov ruled a highly centralized government through sweeping decree powers, primary authority for drafting legislation, and control over government appointments, most of the economy, and the security forces.

Elections and Political Participation.—Recent Elections.—In 2008 President Karimov began a third term as president as a result of elections held in 2007 that did not meet international democratic standards. The constitution prohibits a president from seeking a third term in office, an apparent contradiction the government has never addressed publicly. The OSCE's limited election observation mission noted that while there were more candidates than in previous elections, all candidates publicly endorsed President Karimov's policies and that there were procedural problems and irregularities in vote tabulation.

Political Parties.—The law allows independent political parties, but the Ministry of Justice has broad powers to oversee parties and to withhold financial and legal support to parties that they judge as being opposed to the government.

The law makes it extremely difficult for genuinely independent political parties to organize, nominate candidates, and campaign. To register a new party requires 20,000 signatures. The procedures to register a candidate are burdensome. The law allows the Ministry of Justice to suspend parties for as long as six months without a court order. The government also exercised control over established parties by controlling their financing and media exposure.

The law prohibits judges, public prosecutors, NSS officials, those in the armed forces, foreign citizens, and stateless persons from joining political parties. The law prohibits parties based on religion or ethnicity; those that oppose the sovereignty, integrity, security of the country, or the constitutional rights and freedoms of citizens; those that promote war or social, national, or religious hostility; and those that seek to overthrow the government.

The government banned or denied registration to several political parties following the 2005 Andijon events. Former party leaders remained in exile, and their parties struggled to remain relevant without a strong domestic base.

Participation of Women and Minorities.—There were 33 women in the 150-member lower chamber of the parliament, including the speaker Dilorom Toshmuhammedova, and 15 women in the 100-member senate, along with two women in the 28-member cabinet.

There were 11 members of ethnic minorities in the lower house of parliament and 11 members of ethnic minorities in the senate.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The government reported that during the first nine months of the year the courts convicted 460 government officials of corruption-related charges, 371 of whom were sentenced to prison.

On October 4, the official newspaper Pravda Vostoka reported that during the first six months of the year, the Public Prosecutor's Office initiated more than 60 criminal cases against officials accused of bribery, misappropriation of property, and forgery in public office. These cases resulted, amongst others, in the convictions of R. Gulyamov, mayor of Olmaliq; E. Muhammadiev, mayor of Farish District; and Rashid Nurmatov, former deputy mayor of Kokand, for economic and social issues.

In late November civil society activists and the mass media reported that M. Shukurullaev, a judge with the Jizzakh Region Criminal Court, had been arrested for bribery. At year's end, there was no additional information available concerning the status of the case.

Corruption among law enforcement personnel remained a problem. Police routinely and arbitrarily detained citizens to extort bribes. For example, the Web site uzmetronom.com reported on September 17 that the NSS detained Colonel M. Egamberdiev, deputy head of investigations for the Mirabad Police Department in Tashkent, as he received a bribe. According to the government, 157 law enforcement officials were convicted on corruption-related charges during the first nine months of the year, representing a substantial increase over previous years.

The public did not generally have access to government information, and the government seldom reported information normally considered in the public domain.

Corruption was a severe problem in the university, law, and traffic enforcement systems. There were several reports that bribes to judges influenced the outcomes of civil suits. In October there was a series of media reports about the prevalence of corruption, primarily by customs officials, at the airports.

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

A number of domestic human rights groups operated in the country, although the government often hampered their activities by creating fear of official retaliation. The government frequently harassed, arrested, and prosecuted human rights activists. Unlike in past years, there were no reports that activists were under house arrest or strict control of law enforcement officers around the September 1 Independence Day holiday.

The government officially acknowledged two domestic human rights NGOs: Ezgulik and the Independent Human Rights Organization of Uzbekistan. Others were unable to register but continued to function at both the national and local levels. For example, in May the Humanitarian Legal Center in Bukhara submitted its fifth registration application in the past two years and was denied without explanation. The NGO continued to conduct activities, however, and local authorities even participated in round table discussions on certain topics.

Organizations that attempted to register in previous years and remained unregistered included the Human Rights Society of Uzbekistan, the Expert Working Group (EWG), and Mazlum ("Oppressed"). These organizations did not exist as legal entities but continued to function despite difficulty renting offices and conducting financial transactions. They could not open bank accounts, making it virtually impossible to receive funds legally. Unregistered groups were vulnerable to government prosecution. In rare cases, however, government representatives participated with unregistered groups in certain events.

Government officials spoke informally with domestic human rights defenders, some of whom noted that they were able to resolve cases of human rights abuses through direct engagement with authorities.

The government required that NGOs coordinate their training sessions or seminars with government authorities. NGO managers believed this amounted to a requirement for prior official permission from the government for all NGO program activities.

Police and security forces continued to harass domestic human rights activists and NGOs during the year. Security forces regularly threatened and intimidated human rights activists to prevent their activities and dissuade them from meeting with foreign diplomats; occasionally police and other government authorities ordered activists to cease contact with foreigners.

There continued to be occasional attacks against human rights activists. For example, on October 3, Bahtiyor Elmuradov, director of School Number 1 in the Zarbdar district of Jizzakh region, reportedly beat Ziyodullo Razokov, chairman of

the International Society for Human Rights of Uzbekistan branch in Jizzakh region and a teacher at School Number 1. The attack allegedly occurred in response to an interview that Razokov gave regarding the involvement of his students in the cotton harvest. Razokov filed a complaint with the police on October 4, and on November 28 the Jizzakh District Criminal Court found Elmuradov guilty of inflicting minor injuries and libel and fined him approximately 567 thousand soum ($270).

In June the government closed the local office of Human Rights Watch following a Supreme Court decision. The organization, which sought to contribute to the country's implementation of its international commitments to further develop democracy and civil society, had not been able to obtain accreditation for an international staff person since 2008.

On August 15, police in the Pakhtakor District of Jizzakh Region detained Human Rights Society of Uzbekistan activist Saida Kurbanova for several hours, reportedly in connection with a libel investigation stemming from an article she wrote about the difficulties citizens face when using state-issued bank cards. Kurbanova alleged that the police, including Akmal Johanov, Pakhtakor district deputy police chief, threatened and mistreated her, physically dragging her up the stairs at one point. The police denied these allegations.

U.N. and Other International Bodies.—The government continued to restrict the work of international bodies and severely criticized their human rights monitoring activities and policies.

Although the OSCE has been able to do only limited work on human rights issues since 2006, the government approved several proposed OSCE projects during the year, including in the "human dimension," the human rights component of the OSCE's work.

Government Human Rights Bodies.—The Human Rights Ombudsman's Office stated that its goals included promoting observance and public awareness of fundamental human rights, assisting in shaping legislation to bring it into accordance with international human rights norms, and resolving cases of alleged abuse. The Ombudsman's Office mediates disputes between citizens who contact it and makes recommendations to modify or uphold decisions of government agencies, but its recommendations are not binding. More than 40 percent of the more than 10,000 complaints received by the ombudsman during 2010 dealt with the rights to life, freedom, privacy, human treatment, and respect for dignity, as well as the right to a fair trial.

Throughout the year the Ombudsman's Office hosted meetings and conferences with law enforcement, judicial representatives, and limited international NGO participation to discuss its mediation work and means of facilitating protection of human rights.

The National Human Rights Center is a government agency responsible for educating the population and officials on the principles of human rights and democracy and for ensuring that the government complies with its international obligations to provide human rights information.

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

The law and constitution prohibit discrimination on the bases of race, gender, disability, language, and social status. Nonetheless, societal discrimination against women and persons with disabilities existed, and child abuse persisted.

Women.—Rape and Domestic Violence.—The law prohibits rape, including rape of a "close relative," but the criminal code does not specifically prohibit marital rape, and the court did not try any known cases. Cultural norms discouraged women and their families from speaking openly about rape, and the press rarely reported instances of rape.

The law does not specifically prohibit domestic violence, which remained common. While the law punishes physical assault, police often discouraged women from making complaints against abusive partners, and officials rarely removed abusers from their homes or took them into custody. Society considered the physical abuse of women to be a personal affair rather than a criminal act. Family members or elders usually handled such cases, and they rarely came to court. Local authorities emphasized reconciling husband and wife, rather than addressing the abuse. Although prohibited by law, polygamy existed.

As in past years, there were reported cases in which women attempted or committed suicide as a result of domestic violence. Those active in women's issues suggested that many cases went unreported, and there were no reliable statistics on the problem's extent. Observers cited conflict with a husband or mother-in-law, who by tradition exercises complete control over a wife, as the usual reason for suicide.

There were no government-run shelters or hotlines for victims of domestic abuse, and very few NGOs focused on domestic violence.

Sexual Harassment.—The law does not explicitly prohibit sexual harassment, but it is illegal for a man to coerce a woman who has a business or financial dependency into a sexual relationship. Social norms and the lack of legal recourse made it difficult to assess the scope of the problem.

Reproductive Rights.—The government generally allowed couples and individuals to decide freely and responsibly the number, spacing, and timing of their children, and it granted access to information and the means to do so free from discrimination, coercion, and violence. There were, however, media reports in July in which unnamed Tashkent-based gynecologists alleged that the Directorate of Health issued oral instructions requiring a "letter of explanation" from pregnant women who wished to give birth to a third child. The same reports also included allegations that as in the past the government pressured doctors to sterilize women to control the birth rate. The government's official policy is for doctors to encourage all forms of family planning including sterilization, which may not be done without the informed consent of the patient.

Contraception generally was available to men and women. In most districts, maternity clinics were available and staffed by fully trained doctors, who gave a wide range of prenatal and postpartum care. There were reports that women in rural areas chose in greater numbers than in urban areas to give birth at home without the presence of skilled medical attendants.

Discrimination.—The law prohibits discrimination based on gender, and the National Women's Committee exists to promote the legal rights of women. Women historically have held leadership positions across all sectors of society, although not with the same prevalence as men, and cultural and religious practices limited their effectiveness. The government provided little data that could be used to determine whether women experienced discrimination in access to employment, credit, or pay equity for substantially similar work. However, the labor code prohibits women from working in as many industries as men. In addition opportunities for starting or growing a business are extremely limited.

Children.—Birth Registration.—Citizenship is derived by birth within the country's territory or from one's parents. The government generally registers all births immediately.

Medical Care.—While the government provided equal subsidized health care for boys and girls, those without an officially registered address, such as street children and children of migrant workers, did not have access to government health facilities.

Child Abuse.—Society generally considered child abuse to be an internal family matter, with little information available officially.

Child Marriage.—The law states that the minimum age for marriage is 17 for women and 18 for men, but a mayor of a district may lower the age by one year in exceptional cases. Child marriage was not prevalent, although in some rural areas girls as young as 15 occasionally were married in religious ceremonies not officially recognized by the state.

Sexual Exploitation of Children.—The law seeks to protect children from "all forms of exploitation." Involving a child in prostitution is punishable with a fine of 25 to 50 times the minimum salary and prison time of an unspecified length.

The minimum age of consensual sex is 16 years. The punishment for statutory rape is 15 to 20 years' imprisonment. The production, demonstration, and distribution of child pornography (younger than age 21) is punishable by fine or by imprisonment up to three years.

Institutionalized Children.—In contrast to previous years, there were no reports of women being pressured into institutionalizing children who were born with birth defects or other illnesses.

International Child Abductions.—The country is 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.—Jewish leaders reported high levels of acceptance in society. There were no reports of anti-Semitic acts or patterns of discrimination against Jews. The Jewish community was unable to meet the registration requirements necessary to have a centrally registered organization, but there were eight registered Jewish congregations throughout the country. Observers estimated the Jewish population to be approximately 10,000 persons, concentrated mostly in Tashkent, Sam-

arkand, and Bukhara. Their numbers continued to decline due to emigration, largely for economic reasons.

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, but there was some societal discrimination against those with disabilities.

The government continued its efforts to confirm the disability levels of citizens who receive government disability benefits. Officially, authorities conducted the confirmations to ensure the legitimacy of disability payments, but unconfirmed reports suggested that some persons with disabilities had their benefits unfairly reduced in this process.

The law allows for fines if public buildings are not accessible for the disabled, but disability activists reported that accessibility remained inadequate, noting, for example, that many of the high schools constructed in recent years have exterior ramps, but no interior modifications that would allow wheelchair accessibility.

The law does not provide effective safeguards against arbitrary or involuntary institutionalization. However, there were no reports during the year of persons being held at psychiatric hospitals despite showing no signs of mental illness.

The Ministry of Health controlled access to health care for persons with disabilities, and the Ministry of Labor and Social Protection facilitated employment of persons with disabilities. There were no reports of problems regarding accessibility of information and communications. No information was available regarding patterns of abuse in educational and mental health facilities.

*National/Racial/Ethnic Minorities.*The constitution states that all citizens are equal, regardless of ethnic background, and provides equal protection by the courts to all residents irrespective of national, racial, or ethnic origin. The country has significant Tajik (5 percent) and Russian (5.5 percent) minorities and smaller Kazakh and Kyrgyz minorities. There also was a small Romani population in Tashkent, estimated at less than 50,000 individuals. Complaints of societal violence or discrimination against members of these groups were rare.

The constitution also provides for the right of all citizens to work and to choose their occupations. Although the law prohibits employment discrimination on the bases of ethnicity or national origin, ethnic Russians and other minorities occasionally expressed concern about limited job opportunities. Officials reportedly reserved senior positions in the government bureaucracy and business for ethnic Uzbeks, although there were numerous exceptions.

The law does not require Uzbek language ability to obtain citizenship, but language often was a sensitive issue. Uzbek is the state language, and the constitution requires that the president speak it. The law also provides that Russian is "the language of interethnic communication."

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Homosexual activity among men is punishable by up to three years' imprisonment. Although convictions under this criminal provision were rare, there were reports in the past that police used informants to extract heavy bribes from gay men. The law does not criminalize same-sex sexual activity between women.

Homosexuality is generally a taboo subject in society, and there were no known lesbian, gay, bisexual, and transgender (LGBT) organizations. There was also no known perpetrated or condoned violence against the LGBT community. There were no known reports of official or societal discrimination based on sexual orientation or gender identity in employment, housing, statelessness, or access to education or health care, but this circumstance may be attributed to the social taboo against discussing homosexual activity rather than to equality in such matters.

Other Societal Violence or Discrimination.—Persons living with HIV reported social isolation by neighbors, public agency workers, health personnel, law enforcement officers, landlords, and employers after their HIV status became known. The military summarily expelled recruits in the armed services found to be HIV-positive. The government's restrictions on local NGOs left only a handful of functioning NGOs to assist and protect the rights of persons with HIV/AIDS. At the end of October, the criminal court in the Yakkasaroy District of Tashkent convicted, but then immediately amnestied, the head of the local Red Crescent Society, Mannon Rahimov, of several crimes, including operating without a license and publishing AIDS awareness materials that contradict traditional values.

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 of their choice, declaring unions independent of governmental administrative and economic bodies, except where provided for by other laws. Discrimination against union members and officers is prohibited, but this was irrelevant due to the unions' close relationship with the government. The law neither provides for nor prohibits the right to strike. The right to organize and bargain collectively, including the right of unions to conclude agreements with enterprises, is included in the law. Legally, unions have oversight regarding individual and collective labor disputes.

In practice workers generally did not exercise their right to form and join unions out of fear that attempts to create alternative unions would be quickly repressed. Unions remained centralized and dependent on the government. The state-run Board of the Trade Union Federation of Uzbekistan incorporates more than 35,800 primary organizations and 14 regional trade unions, with official reports of 60 percent of employees in the country participating. Leaders of the federation are appointed by the president's office rather than elected by the union board. All regional and industrial trade unions at the local level were state managed. There were no independent unions.

Unions and their leaders were not free to conduct activities without interference from the employer or from government-controlled institutions. Rights to collective bargaining were not exercised. Unions were government-organized institutions with little bargaining power aside from some influence on health and work safety issues. The Ministry of Labor and Social Protection and the Ministry of Finance, in consultation with the Council of the Trade Union Federation, set wages for government employees. In the small private sector, management established wages or negotiated them individually with persons who contracted for employment. There was no state institution responsible for labor arbitration.

b. Prohibition of Forced or Compulsory Labor.—The constitution and law prohibit forced or compulsory labor, including by children, except as legal punishment for such offenses as robbery, fraud, or tax evasion, or as specified by law. However, such practices occurred during the cotton harvest, when authorities applied varying amounts of pressure on governmental institutions, schools, and businesses to organize schoolchildren, university students, teachers, medical workers, government personnel, military personnel, and nonworking segments of the population to pick cotton. Credible reporting indicated that the use of forced mobilization of adult laborers during the cotton harvest was higher than in the previous year. Authorities expected teachers and school administrators to participate in the harvest either as supervisors or by picking cotton themselves, and schoolteachers often bore responsibility for ensuring their students met quotas. There continued to be reports that students and adults who did not make their quotas were subject to ridicule or abuse by local administrators or police. The loss of public sector workers during the cotton harvest adversely affected communities, as medical procedures often were deferred, essential public services delayed, and internationally funded development projects put on hold while implementing partners worked the fields.

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 to protect children from exploitation in the workplace provide both criminal and administrative sanctions against violators of the child labor laws, although these laws were not effectively enforced.

The national labor code establishes the minimum working age at 16 years and provides that work must not interfere with the studies of those younger than 18 years of age. The law establishes a right to part-time light work beginning at age 15, and children with permission from their parents may work a maximum of 24 hours per week when school is not in session and 12 hours per week when school is in session. The law does not allow 14-year-olds to be involved with "light work," even if it does not interfere with education or hinder the health or development of the child, but this provision was not always observed in practice. Children between the ages of 16 and 18 may work 36 hours per week while school is out of session and 18 hours per week while school is in session. Decrees adopted in 2009 and 2010, respectively, stipulate a list of hazardous activities forbidden for children younger than 18 and bar employers from using children to work under a list of hazardous conditions including underground, underwater, at dangerous heights, or with dangerous equipment. Children were employed in agriculture, in family businesses, and as street vendors.

Children worked in the planting and picking of cotton. Many thousands of schoolchildren and university students worked in the cotton fields during the annual harvest as a result of government mobilization. While pressure to use forced child labor in the cotton sector continued to be prevalent in some regions of the country, other regions attracted a consenting, adult work force. During the fall harvest, local administrators in many regions of the country closed schools and universities for up to six weeks and transported students to work in the cotton fields. Although the majority of students appeared to be over the age of 14 years, younger students were observed, and there were isolated reports of some students as young as 10 years working in the fields. Observers reported that older students often worked 10-hour days and frequently were housed in tents or barracks away from their families. For the third year in a row, the majority of classes remained in operation at the younger grade levels.

Students and adults typically earned between 100 and 150 soum ($.05 to $.07) per kilo (2.2 pounds) of cotton picked. Younger students were expected to pick 20 to 40 kilograms of cotton per day, while older students and adults were expected to pick 50 to 70 kilos per day. The resulting daily wage was between 2,000 and 6,750 soum ($0.95 to $3.21) for younger students and 5,000 to 10,500 soum ($2.38 to $5.00) per day for older students. As in past years, there continued to be reports that universities reportedly threatened to expel students who did not participate in the harvest or required students to sign statements indicating "voluntary" participation in the harvest.

Working conditions varied greatly by region. There were scattered reports of inadequate food and lodging for the children, and there were also reports of students without access to clean drinking water.

Labor legislation does not explicitly provide jurisdiction for inspectors from the labor ministry to focus on child labor enforcement. Enforcement of child labor laws is under the jurisdiction of the labor ministry, the prosecutor general, the MOI, and MOI general criminal investigators. It was unclear whether the MOI conducted inspections in the agricultural sector. There were no known prosecutions for child labor during the year, although the government asked UNICEF for its observations of the harvest in order to investigate local officials who mobilized children.

The government's 2008 National Action Plan called for an end to the worst forms of child labor, including forced labor, but none of its goals have been reached. The government does not allow independent organizations to monitor comprehensively child labor in the cotton sector, nor does it provide figures on the use of child labor in the country. The government allowed UNICEF to observe the cotton harvest and its working conditions and gave it full access to the fields, children, schools and teachers.

On March 25, the government created an interagency working group to ensure protection of the rights and legitimate interests of minors under the age of 18 and report to the International Labor Organization on measures undertaken to protect workers' and children's rights.

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.—The minimum salary between August and December was 57,200 soum ($27) per month. On December 1, it was raised 10 percent to 62,920 soum ($30). According to official statistics, the average monthly salary exceeded 693,550 soum ($330) before taxes. This level did not include salaries in the agricultural sector. Reliable data and estimations on actual average household income were not available. Officials reported the poverty level as consumption of less than 2,100 kilocalories per day, but the government does not publish any indicators of poverty level. According to the latest available data, approximately 20 percent of the population lived below the poverty level in 2010.

The law establishes a standard workweek of 40 hours and requires a 24-hour rest period. Overtime pay exists in theory, but it rarely was paid in practice. According to the labor code, compensation for overtime work must be specified in employment contracts or agreed to with an employee's trade union and can be implemented in the form of additional pay or leave. According to the legislation, overtime compensation should not be less than 200 percent of the employee's actual hourly wage. Additional leave time should be not less than the length of actual overtime work. An employee cannot work more than 120 hours of overtime per year.

The Ministry of Labor establishes and enforces occupational health and safety standards in consultation with unions. Reports suggested that enforcement was not effective. Although regulations provide for safeguards, workers in hazardous jobs often lacked protective clothing and equipment. Labor inspectors conducted inspections of small- and medium-sized businesses once every four years and inspected larger enterprises once every three years. The labor ministry or a local governor's

office can initiate a selective inspection of a business as well, and special inspections are conducted in response to accidents or complaints.

In accordance with the Law on Workers' Safety, workers legally may remove themselves from hazardous work if an employer has failed to provide adequate safety measures for the job. Generally workers did not exercise this right, as it was not effectively enforced, and employees feared retribution by employers. A 2009 law requires employers to insure against civil liability for damage caused to the life or health of an employee in connection with a work injury, occupational disease, or other injury to health caused by the employee's performance on the job. No cases have yet been reported under this law.

The country has bilateral labor migration agreements with Russia and South Korea to increase protections on a range of labor rights for the country's labor migrants.

WESTERN HEMISPHERE

ANTIGUA AND BARBUDA

EXECUTIVE SUMMARY

Antigua and Barbuda is a multiparty, parliamentary democracy. In parliamentary elections in March 2009, which observers described as generally free and fair, the ruling United Progressive Party (UPP) defeated the Antigua Labour Party (ALP), and Baldwin Spencer was reelected as prime minister. Security forces reported to civilian authorities.

The most serious human rights problems involved poor prison conditions.

Other human rights problems included discrimination and violence against women; members of the lesbian, gay, bisexual, and transgender (LGBT) community; and persons with HIV/AIDS. There were reports of the mental, physical, and sexual abuse of children.

The government made strides in prosecuting and punishing those who committed human rights abuses, and impunity was not a widespread 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. Authorities investigate any police-involved killings, and the prime minister can call for an independent investigation into an incident as needed.

Authorities held police accountable for their actions, although the process can take months or even years to be completed. For instance, in 2009 a court convicted Constable Kevin Nelson of murder following the use of excessive force against Denfield "Tobi" Thomas during a 2006 incident.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution specifically prohibits such practices, and the authorities generally respected these prohibitions in practice. Nonetheless, there were occasional reports of use of excessive force and discrimination against persons on basis of sexual orientation or gender identity by the police.

Prison and Detention Center Conditions.—Prison conditions were very poor. Her Majesty's Prison, the country's only prison, was overcrowded, had inadequate toilet facilities, and slop pails were used in all 98 cells. A fire in April, as well as one in 2010, worsened the already poor conditions. Poor ventilation caused cell temperatures to remain very high, prisoners did not receive the adequate diet prescribed by internal regulations, and the superintendent was unable to promote the required standards of hygiene within the prison.

The prison, designed to hold a maximum of 150 inmates, held 154 convicted prisoners, 59 remanded prisoners, 83 awaiting trial, two awaiting sentencing, and four recaptured escapees at year's end.

Prison overcrowding was attributed in part to a law that limits the ability of magistrates to grant bail to those accused of certain offenses. This resulted in an increase in the number of persons held on remand or awaiting trial. Remanded prisoners were separated from convicted prisoners, except in special cases where those arrested were members of a gang, although, this was not the norm. Illegal immigrants also were held in the prison, as the government had not yet completed construction of a separate holding facility.

Thirteen female prisoners were held in a separate section and were not subject to the same overcrowding problems encountered in the men's prison. Ten juvenile prisoners were held in the same building as adult prisoners, but occupied separate cells.

Prisoners and detainees had reasonable access to visitors, were permitted religious observances, and had reasonable access to complaint mechanisms and the ability to request inquiry into conditions.

The government investigated and monitored prison conditions and permitted prison visits by independent human rights observers, although no such visits were known to have occurred during the year.

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

Role of the Police and Security Apparatus.—Security forces consist of a police force, a prison guard service, immigration, airport and port security, the small Antigua and Barbuda Defence Force, and the Office of National Drug Control and Money Laundering Policy, which coordinates law enforcement and prosecutorial action to counter narcotics trafficking. The police fall under the minister of national security and labor's responsibility. The prime minister can call for an independent investigation into an incident as needed.

The police discipline department, which investigates complaints against the police, is headed by the deputy police commissioner and decides whether an investigation is conducted. Police typically are held accountable for their actions, as evidenced by the court conviction of Assistant Superintendent of Police Everton Francis for the unlawful shooting of Damien Watson in 2010.

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.

Arrest Procedures and Treatment While in Detention.—The law permits police to arrest without a warrant persons suspected of committing a crime. Criminal defendants have the right to a prompt judicial determination of the legality of their detention. The police must bring detainees before a court within 48 hours of arrest or detention. Criminal detainees were allowed prompt access to counsel and family members. The bail system requires those accused of more serious crimes to appeal to the High Court for bail, taking this responsibility away from the lower court magistrates.

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

Trial Procedures.—The constitution provides that criminal defendants should receive a fair, open, and public trial, and an independent judiciary generally enforced this right. Trials are by jury. Defendants enjoy a presumption of innocence, have timely access to counsel, may confront or question witnesses, and have the right to appeal. In capital cases only, the government provides legal assistance at public expense to persons without the means to retain a private attorney. Courts often reached verdicts quickly, with some cases coming to conclusion in a matter of days.

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

Civil Judicial Procedures and Remedies.—A court of summary jurisdiction, which sits without a jury, deals with civil cases involving sums of up to EC$1,500 ($550); five magistrate's courts deal with summary offenses and civil cases of not more than EC$500 ($185) in value. Persons may apply to the High Court for redress of alleged violations of their constitutional rights.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, but the government respected these rights on a somewhat limited basis. The opposition party and its leaders frequently asserted that the government infringed upon freedom of speech and did not provide equal access for the media. Privately owned print media, including daily and weekly newspapers, were active and offered a range of opinion.

Freedom of Speech.—There was continued tension between the government and ZDK Radio, which is owned by the family of Lester Bird, the former prime minister and leader of the opposition ALP. The Senate suspended one senator from three meetings for making negative comments about the governor general on ZDK radio.

Freedom of the Press.—The ALP claimed that government-operated ABS TV and Radio did not allow fair access to the opposition.

Libel Laws/National Security.—Politicians in both parties often filed libel cases against members of the other party.

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

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

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

Freedom of Assembly.—In 2010 a court convicted the leader of the opposition ALP, along with six other party members, of violating the Public Order Act after speaking at a rally without a permit.

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), the International Organization for Migration (IOM), and other humanitarian organizations in assisting refugees and asylum seekers.

Protection of Refugees.—Access to Asylum.—The government has not established a system for providing protection to refugees and did not grant refugee status or asylum during the year. Before the presence of the UNHCR and IOM, the government immediately deported foreigners who could not provide legal documentation, but during the year it began processing and housing them in a government-built center until their refugee status is decided. Those who do not receive refugee status may appeal, as they are provided an allotted amount of time before they are deported to their country of origin.

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

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation.—Recent Elections.—In the March 2009 elections the ruling UPP won nine of 19 seats in the House of Representatives and 50 percent of the popular vote. Members of the Organization of American States observer group reported that the elections were generally free and fair. After the opposition ALP challenged the results of election, the Court of Appeal upheld the outcome, despite finding some technical problems in the election process.

Participation of Women and Minorities.—There were two women in the House of Representatives and five women appointed to the 17-seat Senate. The governor general, the speaker of the House of Representatives, and the president of the Senate, all appointed positions, were women. There was one woman in the cabinet and one member of a minority in parliament.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were isolated reports of government corruption during the year. Both political parties frequently accused the other of corruption, but investigations yielded little or no results.

The Integrity in Public Life Act requires public officials to disclose all income, assets (including those of spouses and children), and personal gifts while in public office. The law established an Integrity Commission, appointed by the governor general, to receive and investigate complaints regarding noncompliance with or contravention of any provisions of this law or the Prevention of Corruption Act. The commission responded to isolated reports of corruption, administered the act, and received the required disclosure reports.

The Freedom of Information Act gives citizens the statutory right to access official documents from public authorities and agencies, and it created a commissioner to oversee the process. In practice citizens found it difficult to obtain documents, possibly due to government funding constraints rather than obstruction.

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

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

Government Human Rights Bodies.—There is an ombudsman, an independent authority appointed by the prime minister, to deal with complaints regarding police and other government officials. However, the office lacked the resources to provide effective oversight for the entire government and did not produce regular reports.

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

The constitution prohibits discrimination based on race, sex, creed, language, or social status, and the government generally respected these prohibitions in practice.

Women.—Rape and Domestic Violence.—Rape, including spousal rape, is illegal and carries maximum sentences ranging from 10 years' to life imprisonment. Anecdotal evidence suggested it was a pervasive problem, with 12 rapes and 32 cases of acts defined as unlawful sexual intercourse reported during the year. The Directorate of Gender Affairs, part of the Ministry of Education, Gender, Sports and Youth Affairs, publicized a crisis hotline for victims and witnesses to sexual assault and managed a sexual assault center that coordinates responses to sexual assault. Police immediately refer reported rapes to the newly created Sexual Offenses Unit, and a female police officer accompanies the victim for both questioning and medical examinations at the sexual assault center. Once the doctor's report is completed, an investigation commences. An arrested suspect is placed in a line-up and must be identified by the victim, using a one-way mirror. Victims may, however, choose to identify their attacker face to face, without using a mirror, if they feel it necessary. Authorities prosecuted 10 cases of unlawful sexual intercourse during the year. In situations where the victim did not know her assailant, the cases rarely came to trial, although the number of those coming forward increased since the creation of the Sexual Offenses Unit.

Violence against women, including spousal abuse, continued to be a serious problem. The law prohibits and provides penalties for domestic violence, but some women were reluctant to testify against their abusers due to fear of stigma, retribution, or further violence. The government noted an increase in women coming forward in the years since enactment of the Domestic Violence Act of 1999. The Directorate of Gender Affairs operated a domestic violence program that provided training for law enforcement officers, health-care professionals, counselors, social workers, immigration officers and army officers. The directorate also worked with a nongovernmental organization (NGO) to provide safe havens for abused women and children. Services for victims of domestic violence included counseling and an advocacy case worker who accompanied the victim to the hospital and police station.

Sexual Harassment.—Sexual harassment is illegal, but it was rarely prosecuted. According to the Labor Department, there was a high incidence of sexual harassment incurred by employees in both the private and public sectors. However, only four cases were reported formally during the year; the small number was believed to result from concerns about retaliation.

Reproductive Rights.—Reproductive rights of women were protected. Couples and individuals had the right to decide freely and responsibly the number, spacing, and timing of their children and had the information to do so free from discrimination, coercion, and violence. There was adequate access to contraception. Most pregnant women had at least one antenatal care visit, and most women gave birth in hospitals. A 2008 UNICEF report indicated that skilled attendance at birth was 100 percent and estimated the contraceptive prevalence rate at 53 percent. Incidence of maternal mortality was not available. Women were equally diagnosed and treated for sexually transmitted infections.

Discrimination.—Women in society enjoy the same rights as men under the law. However, economic conditions in rural areas tended to limit women to home and family, although some women worked as domestics, in agriculture, or in the large tourism sector. Despite these limitations, women were well represented in the private and public sectors. There was no legislation requiring equal pay for equal work, but women faced no restrictions involving ownership of property. The Directorate of Gender Affairs is charged with promoting the rights of women.

Children.—Birth Registration.—Citizenship is acquired by birth in the country, and all children were registered at birth. Children born to citizen parents abroad can be registered by either of their parents.

Child Abuse.—Child abuse remained a problem, and the number of cases reported increased over 2010. Neglect was the most common form of child abuse, followed by physical abuse, although the press reported regularly on the rape and sexual abuse of children. Adult men having regular sexual relations with young girls was also a problem. According to one regional human rights group, the girls were often the daughters of single mothers with whom the perpetrators also had regular sexual relations. In extreme cases of abuse, the government will remove the children from their home and put them in foster care or into a government or private children's home.

The government held public outreach about detection and prevention of child abuse and also completed training for foster parents regarding detecting the signs of child abuse and how to work with children who have been abused. The government's welfare office also provided counseling services for both children and parents and often referred parents to the National Parent Counseling Center.

Sexual Exploitation of Children.—Statutory rape is illegal; the minimum age for consensual sex is 16. Despite a maximum penalty of 10 years to life, authorities brought charges against few offenders, and those convicted did not serve long jail terms due to lack of witness cooperation. Child pornography is illegal and subject to fines of up to EC$250,000 ($92,500) and 10 years in prison.

International Child Abductions.—The government is not a party to the 1980 Hague Convention on International Child Abduction. For country-specific information on international parental child abduction, see http://travel.state.gov/abduction/country/country—3781.html.

Anti-Semitism.—The Jewish community was very small, and there were no reports of anti-Semitic acts.

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

Persons With Disabilities.—The constitution contains antidiscrimination provisions, but no specific laws prohibit discrimination against, or mandate accessibility for, persons with disabilities. There were few reports of discrimination against persons with disabilities in employment, access to health care, or in the provision of other state services. However, there were anecdotal cases of children, because of disabilities, who were unable to take themselves to the restroom and thus being denied entry to school.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Consensual same-sex sexual activity for both sexes is illegal under indecency statues, and some male same-sex sexual acts are also illegal under anal intercourse laws. Indecency statutes carry a maximum penalty of five years in prison, and anal intercourse carries a maximum penalty of 15 years.

Societal attitudes LGBT persons somewhat impeded operation and free association of LGBT organizations, but there were a few organized groups. The attorney general told the press that "there will be no change in the law on buggery, at least not if I can help it. Being gay is morally wrong, and to be honest personally, I am still homophobic." However, other government officials asserted that the country was mostly tolerant of LGBT persons, noting the law was rarely used except when some other crime was also committed. Societal attitudes remained conflicted on the issue, and while there were several reports of discrimination based on sexual orientation, anecdotal reports suggested these were mostly verbal attacks.

Other Societal Violence or Discrimination.—Rastafarians complained of discrimination, especially in hiring and in schools, but the government took no specific action to address such complaints.

Some LGBT persons claimed that homophobia impaired the willingness of HIV-positive persons to obtain treatment, and there were several reported incidents of discrimination cited among HIV-positive persons, specifically from health-care professionals and the police. Anecdotal evidence also suggested that employers had laid off and discriminated against employees with HIV/AIDS. There were, however, no reports of violence directed toward persons with HIV/AIDS. The Ministry of Health supported local NGO efforts to register human rights complaints and seek assistance related to cases of discrimination against those with HIV/AIDS. The Ministry of Health also trained a number of health-care professionals and policemen in antidiscriminatory practices. The Ministry of Labor encouraged employers to be more sensitive to employees with HIV/AIDS, and the Ministry of Health conducted sensitivity training for requesting employers.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law allows labor organizations to organize and bargain collectively without interference. The labor code provides for the right to strike, but places several restrictions on this right. The law prohibits antiunion discrimination by employers but does not specifically require reinstatement of workers illegally fired for union activity.

Workers who provide essential services (including bus, telephone, port, petroleum, health, and safety workers) must give 21 days' notice of intent to strike. The International Labor Organization considered the list of essential services to be overly broad by international standards. Once either party to a dispute requests court mediation, strikes are prohibited under penalty of imprisonment. The Industrial Relations Court may issue an injunction against a legal strike when the national interest is threatened or affected. Labor law prohibits retaliation against strikers.

The government effectively enforced all labor laws. There were no reports of antiunion discrimination nor any violations related to collective bargaining rights.

Unions were generally free to conduct their activities without government interference. Because of the delays caused by mediation and required notice periods, unions often resolved labor disputes before calling a strike. In one case where workers conducted a "sick-out" against a firm being sold, the minister of labor stepped in to help facilitate negotiations.

b. Prohibition of Forced or Compulsory Labor.—The constitution prohibits all forms of forced or compulsory labor, and the government effectively enforced the prohibition. Authorities charged one woman with trafficking in persons, which included 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 stipulates a minimum working age of 16. In addition persons under age 18 must have a medical clearance to work and may not work later than 10 p.m. The Ministry of Labor, which is required by law to conduct periodic inspections of workplaces, effectively enforced this law. The Labor Commissioner's Office also had an inspectorate that investigated child labor. The government enforced these laws effectively, and child labor was not a problem.

d. Acceptable Conditions of Work.—The minimum wage was EC$7.50 ($2.78) an hour for all categories of labor. In practice the great majority of workers earned substantially more than the minimum wage.

The law provides that workers are not required to work more than a 48-hour, six-day workweek, but the standard workweek was 40 hours in five days. Laws provide for overtime work in excess of the standard workweek, requiring that employees be paid one and one half times the employees' basic wage per hour. Excessive or compulsory overtime is not specifically prohibited. There is a legal provision for paid annual holidays, which requires that no employee shall be obliged to work on a public holiday except in emergency situations. Employees receive their regular pay on holidays, unless an employee is required to work, in which case the employee would be paid an hourly rate of no less than 150 percent of the basic rate per hour worked.

The labor code includes provisions regarding occupational safety and health, but the government had not developed precise occupational health and safety laws or regulations apart from those regarding child labor. The Ministry of Labor and the Industrial Court enforced labor standards, and there were eight labor inspectors. Labor inspectors conducted periodic health and safety checks, and at least one labor officer was dedicated to occupational safety and health standards enforcement. Standards were enforced in all sectors, including the informal sector through the inspectorate unit via field officers. In order to improve labor standards, the government revised the labor code and also proposed implementation of new "stand-alone" health and safety regulations.

While not specifically provided for by law, in practice workers could leave a dangerous workplace situation without jeopardy to continued employment. Those in construction, mechanics, and agriculture were particularly vulnerable to hazardous working conditions.

ARGENTINA

EXECUTIVE SUMMARY

Argentina is a federal constitutional republic. Cristina Fernandez de Kirchner was reelected to the presidency in October 2011 in multiparty elections that media and various nongovernmental organizations (NGOs) described as generally free and fair. Security forces reported to civilian authorities but occasionally acted independently of civilian control.

The principal human rights problems included use of excessive force by police, sometimes resulting in deaths; actions that risk impairing freedom of the press; and continuing infringements on the rights of indigenous people.

Other human rights problems included poor prison conditions, including mistreatment of some prisoners; occasional arbitrary arrest and detention; prolonged pretrial detention; continued concerns about judicial efficiency and independence; official corruption; domestic violence against women; child abuse; sex trafficking and forced labor, primarily within the country; and child labor.

Judicial authorities prosecuted a number of officials who committed abuses during the reporting period; however, some officials engaged in corruption or other 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 did not commit any politically motivated killings; however, there were reports of deaths as a result of police using unwarranted or excessive force.

A November report by the NGO Coordinator Against Police Repression claimed that security forces using excessive force killed 145 persons between mid-November 2009 and mid-November 2010. The Center for Legal and Social Studies (CELS) reported a 10-percent increase in deaths as a result of police using unwarranted or excessive force in the city of Buenos Aires and Buenos Aires Province from June 2009 to June 2010. In one instance a federal police officer in Buenos Aires city shot and killed Ariel Dominguez, whom the officer allegedly believed had just committed a robbery. The officer claimed the gun had discharged when he accidentally dropped it, but a Security Ministry official investigation disproved this defense. A judicial investigation continued, and the officer remained free at year's end.

On June 2, the First Criminal Court of Bariloche sentenced police officer Sergio Colombil to 20 years' imprisonment for the June 2010 murder of Diego Bonefoi. An investigation into the killings of Nicolas Carrasco and Sergio Cardenas, who were killed during a subsequent march to protest Bonefoi's death, continued at year's end.

Local human rights organizations and media reported on a pattern of excessive violence by police forces in land evictions carried out during the year. In the northern province of Jujuy on July 28, four people were shot and killed during a dispute between police and protesters demanding property rights. Following the killings, the provincial chief of police stepped down, and the provincial government opened an investigation to determine whether police officers were responsible for the deaths. The investigation continued at year's end.

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

In October the Inter-American Court on Human Rights ordered the government to "initiate, direct, and conclude" the case of Ivan Torres, who disappeared in 2003 in the province of Chubut. According to press reports, the state had previously acknowledged the involvement of police officers and possible irregularities in the case.

Authorities continued to investigate and prosecute individuals implicated in disappearances, killings, and torture committed during the 1976-83 military dictatorship, a focus of the government's human rights policy. New investigations into the "systematic plan" of the military dictatorship, including the appropriation of children of detainees and the killing of detainees on "death flights," emerged during the year. CELS estimated there were 270 ongoing judicial investigations and 734 persons charged for crimes against humanity committed during the military dictatorship. Of those charged, 398 remained in pretrial detention. According to the Supreme Court's Office for Follow-up on Crimes Against Humanity, during the year the courts convicted 67 perpetrators of human rights abuses committed during the 1976-83 period, and it continued trials that were suspended in 1989-90 when the government issued a blanket pardon. An additional 118 cases were pending at year's end. High-profile cases included:

On May 18, former intelligence police agent Luis Antonio Falco was sentenced to 18 years in prison for appropriating the son of two detainees who had disappeared in 1977 after being held in a detention center.

On June 2, a federal judge prosecuted five pilots for conducting a "death flight" in which the pilots allegedly killed several political prisoners by throwing them in the sea. Among the alleged victims were some of the founding members of the NGO Madres de la Plaza de Mayo. The pilots remained in detention while the trials continued at year's end.

On October 26, a federal court sentenced to life in prison 12 former military and police officers who were found guilty of the kidnapping, torture, and murder of 86 individuals.

Judicial authorities continued to investigate cases of kidnapping and illegal adoption of children born to detained dissidents by members of the former military dictatorship. The NGO Abuelas de Plaza de Mayo reported that during the year three persons illegally adopted by former military officials were identified and made aware of their backgrounds; this increased the number of persons so identified to 105 of an estimated 500 persons born to detained and missing dissidents during the former military dictatorship.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and other cruel, inhuman, or degrading treatment or punishment and provides penalties for torture similar to those for homicide. However, CELS, the Office of National Public Prosecutor (NPPO), and the Buenos Aires Provincial Memory Commission's Committee against Torture (an autonomous office established by the provincial government) reported that some police and prison guards continued to employ brutality and other acts that inflicted severe pain and suffering, particularly during prison transfers. While the government investigated such reports, there were few convictions.

In May authorities prosecuted nine policemen for alleged torture and abuse of authority in the case of three teenagers suspected of theft. The teenagers testified that they had been shocked with an electrical device and beaten severely after being detained in a police station in Buenos Aires. The trial continued at year's end, while one of the defendants accused of torture remained a fugitive.

According to a June report of the Buenos Aires Provincial Memory Commission's Committee Against Torture, practices such as beatings, the use of a cattle prod, cold-water showers, and forced isolation within Buenos Aires prisons were common. The Memory Commission's Annual Report has denounced these treatments during each of the past eight years.

Prison and Detention Center Conditions.—Prison conditions often were poor. Inmates in many facilities suffered from extreme overcrowding, poor nutrition, inadequate medical and psychological treatment, inadequate sanitation, limited family visits, and frequent degrading treatment, according to various reports by human rights organizations and research centers. Prisoners receive potable water. The number of prisoners in Buenos Aires provincial penitentiaries exceeded facility capacity by an estimated 96 percent, according to a 2010 report by the provincial Council of Defenders.

Deaths were uncommon in federal prisons; eight prisoners died as a result of violence during 2010, including five deaths by hanging, according to the NPPO.

On July 26, the government of Mendoza Province agreed to pay $2.216 million to the families of 18 victims and nine wounded former prisoners who suffered violent treatment in the province's Boulogne Mer Sur prison between 2004 and 2007. The agreement between the Mendoza government and the plaintiffs was monitored by the Inter-American Commission of Human Rights (IACHR) and included a plan to establish a local prison ombudsman and implement mechanisms to prevent torture.

However, NGOs and media reports alleged recurring poor prison conditions in the province of Mendoza during the year. In February the NGO Xumek presented a federal prosecutor several videos depicting brutal treatment of prisoners in a federally administered prison in Mendoza. The footage, which had been captured by a cell phone camera during 2010, showed a group of prison guards beating and kicking a handcuffed prisoner, according to press reports. Following a judicial order, authorities detained five of the guards involved and dismissed three prison supervisors. The national government's Secretariat of Human Rights presented itself as a plaintiff in the case, and the investigation continued at year's end.

Women were held separately from men, and the law permits children to stay in prison with their mothers until the age of four. According to the Federal Penitentiary Service, there were 789 women in federal prisons as of December 2010, and 43 children under the age of four lived with their mothers. Women constituted 9 percent of the overall prison population, which included approximately 30,000 in the Buenos Aires provincial prisons and approximately 10,000 in federal prisons. CELS estimated that 74 percent of those in Buenos Aires provincial prisons were in pretrial detention or awaiting sentencing, and many were held with convicted pris-

oners. In general men's prisons were more violent, dangerous, and crowded than women's prisons.

Overcrowding in juvenile facilities often resulted in minors' being held in police station facilities, even though some NGOs and the National Prison Ombudsman warned that such activity was against the law. On August 4, Minister of Security Nilda Garre announced that beginning in December minors would no longer be held in police station facilities.

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. However, some local NGOs noted that access to a public defender was sometimes limited and that prisoners occasionally did not submit complaints to authorities for fear of reprisal.

At year's end the government had not implemented a comprehensive mechanism to investigate and monitor prison and detention-center conditions. The NPPO, which serves as an ombudsman on behalf of prisoners and detainees, was established as an autonomous governmental institution in 2004. However, local human rights observers reported that the NPPO did not have jurisdiction in all detention facilities and lacked necessary authority to carry out its functions.

The government permitted independent prison visits by local and international human rights observers, and such visits took place during the year.

On August 30, the national government passed a law establishing the "right to a public education" for prisoners throughout the country. The law requires prison administration authorities to provide access to all levels of education and the same teaching methods used in public schools to all prisoners, regardless of the status of their cases.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions; however, police reportedly arrested and detained citizens arbitrarily on occasion.

Role of the Police and Security Apparatus.—The federal police have jurisdiction for maintaining law and order in the federal capital and for federal crimes in the provinces. Other federal police authorities include the airport security police, the gendarmerie, the Coast Guard, and the bureau of prisons. All federal police forces fall under the authority of the Security Ministry, which was established in December 2010; they were previously under the jurisdiction of the Justice and Human Rights Ministry. Additionally, each province and the city of Buenos Aires has its own police force that responds to a provincial (or city) security ministry or secretariat. Individual forces varied considerably in their effectiveness and respect for human rights.

The federal security forces have the authority to conduct internal investigations into alleged abuses and to fire individuals who have allegedly committed a human rights violation. The federal government can also file complaints with the federal courts; provincial governments may do the same for provincial security forces. Members of security forces convicted of a crime were subject to stiff penalties. Generally, officers accused of wrongdoing were administratively suspended until completion of an investigation. Authorities investigated and, in some cases, detained, prosecuted, and convicted the officers involved.

According to a June report by the Buenos Aires Provincial Memory Commission, police oppression of youth from vulnerable social sectors increased during the year. The report alleged detention without a judicial order, fabrication of evidence in legal cases, and recruitment of youth to commit crimes. The commission proposed institutional reforms aimed at addressing these issues, including the creation of a judicial police force that would report to the Supreme Court and replace provincial police in criminal cases.

Arrest Procedures and Treatment While in Detention.—Individuals generally were apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official; police may detain suspects for up to 10 hours without an arrest warrant if the authorities have a well-founded belief that the suspects have committed, or are about to commit, a crime or are unable to determine the suspected person's identity. Human rights groups reported that the police occasionally arrested persons arbitrarily and detained suspects longer than 10 hours.

The law provides a person in detention with the right to a prompt determination of the legality of the detention, which entails appearance before a lower criminal court judge, who determines whether to proceed with an investigation. There were some delays in this process and in informing detainees of the charges against them.

During the year the province of Buenos Aires ordered the closure of nearly 150 detention cells in police stations and established a maximum detention period of 48 hours in 67 of the province's police stations.

The law provides for the right to bail, except in cases involving narcotics, violent crimes, and firearms violations.

Detainees were allowed prompt access to counsel, and public defenders were provided for detainees unable to afford counsel, although such access sometimes was delayed due to an overburdened system.

Pretrial Detention.—The law provides for investigative detention of up to two years for indicted persons awaiting or undergoing trial; the period may be extended for one year in limited situations. The slow pace of the justice system often resulted in lengthy detentions beyond the period stipulated by law. CELS reported that prisoners waited an average of three years to be tried, with some cases taking as long as six years. A convicted prisoner usually received credit for time already served.

CELS indicated that nearly 74 percent of detainees in Buenos Aires Province were either in pretrial detention, awaiting sentencing, or awaiting the appeals process. According to several human rights organizations, 30 percent of pretrial detainees were eventually acquitted.

e. Denial of Fair Public Trial.—The law provides for the right to a fair trial, and the independent judiciary generally enforced this right. However, judicial scholars continued to report inefficiencies and delays in the judicial system. According to some local NGOs, judges in federal criminal and electoral courts were sometimes subject to political manipulation.

The judicial system was hampered by delays, procedural logjams, changes of judges, inadequate administrative support, and general inefficiency. Judges have broad discretion as to whether and how to pursue investigations, contributing to a public perception that many decisions were arbitrary.

Trial Procedures.—Trials are public; defendants enjoy a presumption of innocence and have the right to appeal, have legal counsel, and call defense witnesses in federal courts and some provincial courts that have an accusatory system of criminal justice. If needed, a public defender is provided at public expense when defendants face serious criminal charges. During the investigative stage, defendants can submit questions in writing to the investigating judge. A panel of judges decides guilt or innocence. Although defendants and their attorneys have access to government-held evidence, according to local NGOs, in practice they sometimes experienced obstacles or delays in obtaining such evidence. Lengthy delays in trials occurred nationwide, with many cases taking five or more years to resolve.

Federal and provincial courts continued the transition to trials with oral arguments in criminal cases, replacing the old system of written submissions. Although the 1994 constitution provides for trial by jury, implementing legislation had not been passed by year's end. In Cordoba Province, however, defendants accused of certain serious crimes have the right to a trial by jury.

An unofficially organized juvenile justice system operated in eight of 18 districts in Buenos Aires City. It provides minors between the ages of 16 and 18 with the same procedural rights as adults and limits sentences to 180 days in prison.

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

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters. Citizens have access to the courts to bring lawsuits seeking damages or the protection of rights provided by the constitution.

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; with exceptions, the government generally respected these rights in practice. The independent newspapers, radio and television outlets, and Internet sites were numerous and active, expressing a wide variety of views. Private media outlets were independent from the national and provincial governments.

Freedom of the Press.—The Inter American Press Association (IAPA), Argentina's Association of Media Companies, and other organizations expressed concern about the government's conflictive relationship with and indirect censorship of certain media outlets. On October 18, the IAPA General Assembly called on the government to "end the escalation of aggression against media critical [of the government].cease

pressuring the judiciary [on media-related cases].and administrative harassment of [the sole domestic newsprint manufacturer] Papel Prensa.″

On December 28, the president signed into law legislation regulating the "production, commercialization, and distribution" of newsprint paper, establishing a uniform price for all paper and introducing new production requirements for Papel Prensa. While advocates of the law said it "democratizes" access to newsprint, the IAPA described it a violation of the constitution and international treaty obligations, and voiced concerns the law would allow the government to increase its share of Papel Prensa and control paper supply.

Violence and Harassment.—On March 28, demonstrators blocked the entrance of the printing plants of Clarin and La Nacion, two of the country's most widely read newspaper dailies, in violation of a 2010 civil court ruling. IAPA described the incident as an "attack against freedom of the press" and regretted the "inaction of the police in violation of court rulings ordering the national government to guarantee the circulation of communication media.″

On July 8, the Board of the Central Food Market, an organization comanaged by the city and the province of Buenos Aires and the federal government, ordered its employees to wear caps reading "Clarin lies," in response to an article published in that newspaper. On July 11, a poster with the same message was put out in front of the market. On July 13, the authorities of the market closed down the two news vendor shops in the market on the grounds that "they failed to abide by the market's rules." On July 28, a federal court ordered the authorities to allow the sale of newspapers in the market.

Censorship or Content Restrictions.—During the year the national, provincial, and municipal governments did not publish complete information on the amount and destination of public funds for advertising. IAPA and other press associations warned about the government's "discriminatory use of official advertising to reward and punish news media" and "the creation of publicly and privately owned networks of media and journalists" to support the government. Local NGOs expressed concern about delays in the publication of official advertising allocations and a lack of systematic and transparent procedures for their publication.

On March 2, the Supreme Court ordered the Executive Branch to "set a balanced distribution of public advertising among similar media outlets," as a result of a lawsuit filed by publisher Perfil, in which it accused the government of discrimination because of its coverage. The court determined that the national government had "arbitrarily and discriminatorily" refused to advertise in the media outlets of Perfil Group and ordered the executive to purchase advertising space in those publications, "respecting a reasonable balance" among similar publishers. On May 11, IAPA also denounced the government's "noncompliance with the court order to restore official advertising to Editorial Perfil." On October 4, Perfil Group filed a request with a federal court to order the executive branch to comply with the Supreme Court ruling and impose fines on government officials who were allegedly responsible for not allocating public advertising to Perfil. The executive branch had not officially responded to the order at year's end.

On September 15, a federal court for economic affairs ordered newspapers Clarin, La Nacion, Ambito Financiero, El Cronista Comercial, Buenos Aires Economico, and Pagina 12 to provide the contact information, including personal addresses, of each journalist who had reported on the country's inflation statistics since 2006. The official inflation statistics had been criticized in some newspapers as inaccurate. The court had previously requested information regarding advertisements for private economic consultants in the newspapers as part of a case filed by the domestic trade secretary accusing those consultancies of publishing erroneous information about the national government's price measurements.

Actions to Expand Press Freedom.—The government sought to limit what it considered to be monopolistic practices in the media industry through article 161 of the 2009 media law, which reduces the number of broadcast licenses an individual or company can hold from 24 to 10 and bars cable providers from owning open-air television channels. Article 161 remained suspended during the year, awaiting a Supreme Court ruling on an injunction presented by Clarin Group in 2010. The implementation of the law would force Clarin Group to sell many of its 200 outlets in the country.

On June 21, President Cristina Fernandez de Kirchner announced plans to expand the Terrestrial Digital Television System and launched the bidding process to grant 220 broadcasting licenses to 110 private companies and 110 NGOs, asserting that the initiative would "improve the openness and plurality" of broadcasting.

Internet Freedom.—There were no generalized 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 and social networks.

In two separate rulings emitted on August 4, the Federal Criminal Court ordered the closure of LeakyMails, a Web site that published alleged private e-mails of government officials, businessmen, and journalists, on the grounds that it had "violated the right to privacy, published noncommercial correspondence and revealed political and military secrets." To implement the ruling, the government requested Internet service providers block an IP address identified as the LeakyMails Web site, a move that reportedly affected thousands of Internet users.

On March 1, a Federal Appeals Court for Commercial and Civil Affairs confirmed a lower court's suspension of Planning Ministry resolution 100/2010, which barred Clarin Group's Internet service provider Fibertel from providing its service to new customers.

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 and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, and other persons of concern.

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

During the first eight months of the year, the National Committee for Refugees granted refugee status to 17 of 24 persons who sought asylum.

Temporary Protection.—The government also provided temporary protection for humanitarian reasons to approximately 94 persons during the first eight months of the year.

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

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

Elections and Political Participation.—Recent Elections.—On October 23, voters reelected President Cristina Fernandez de Kirchner of the Front for Victory Party in polling described by media and various NGOs as free and fair. In concurrent legislative elections, voters elected one-half of the members of the Chamber of Deputies representing all 24 provinces and one-third of those in the Senate representing eight provinces. Local observers considered these elections generally free and fair.

Participation of Women and Minorities.—Decrees provide that one-third of the candidates on election slates for both houses of congress must be women. There were 28 women in the 72-seat Senate and 98 women in the 257-seat Chamber of Deputies. The president, two of the seven Supreme Court justices, and three cabinet ministers were women.

There were no known ethnic or racial minorities in the national legislature. There were no known indigenous, ethnic, or racial minorities in the cabinet or on the Supreme Court.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, there were press reports alleging that executive, legislative, and judicial officials engaged in corrupt practices with impunity, suggesting a failure to implement the law effectively.

Weak institutions and an often ineffective and politicized judicial system undermined systematic attempts to curb corruption.

Cases of corruption were reported in some security forces. The most frequent abuses included extortion of, and protection for, those involved in drug trafficking and prostitution. Internal controls to counter police abuses were weak, but improved

during the year. Security Minister Nilda Garre, who assumed control of the newly created Ministry of Security in December 2010, took steps to combat corruption in the security forces, notably within the Federal Police Force (PFA). During the year she dismissed several PFA officers accused of corruption. In one instance, two PFA officers were sentenced to three years in jail for soliciting a bribe from a detained suspect in exchange for releasing him and dropping the case.

Allegations of corruption in provincial courts, as well as in federal courts located in the provinces, were more frequent than in federal courts with jurisdiction over the city and province of Buenos Aires, which reflected strong connections between the executive and judicial branches at the provincial level.

On June 3, a federal judge began an investigation of alleged fraud and misuse of public funds involving Sergio Schoklender, the financial manager of the NGO Madres de la Plaza de Mayo. The NGO had received approximately 765 million pesos($186 million) since 2008 through a government contract to build low-income housing throughout the country. Among other allegations, Schoklender was accused of using a construction company to embezzle the public funds and, in a parallel case, national authorities were investigated to determine if they were complicit in the misuse of the funds. During the investigation, Schoklender also alleged government corruption in the allocation of funding for public works, claiming that the monies were sometimes used to pay for political campaigns and that projects were often awarded based on bribes. Schoklender remained free and the investigations continued at year's end.

An investigation of an alleged illegal campaign financing scheme continued during the year. On February 8, Judge Norberto Oyarbide indicted Hector Capaccioli, President Fernandez de Kirchner's 2007 chief fundraiser and former supervisor of health services, for his involvement in the scheme. The trial remained pending at year's end.

The investigation of former transportation secretary Ricardo Jaime continued during the year, and a federal criminal court confirmed it would prosecute Jaime for allegedly receiving illegal gifts and favors during his tenure. The case remained pending at year's end.

On September 14, a federal court acquitted former president Carlos Menem and 17 other officials accused of facilitating 6,000 tons of illegal weapons sales to Ecuador and Croatia in the 1990s. The controversial verdict was the culmination of a 16-year investigation and ruled that the arms sales did not constitute contraband on the grounds that the sales were transparent and executed through decrees legal under the constitution.

Public officials are subject to financial disclosure laws, and the Ministry of Justice's Anti-Corruption Office (ACO) is responsible for analyzing and investigating federal executive branch officials based on their financial disclosure forms. The ACO is also responsible for investigating corruption within the federal executive branch or in matters involving federal funds, except for funds transferred to the provinces. As part of the executive branch, the ACO does not have authority to prosecute cases independently, but it can refer cases to other agencies or serve as the plaintiff and request a judge to initiate a case.

While the country does not have a law that provides for public access to government information, a presidential decree guarantees access to public documents and information that fall within the jurisdiction of the executive. According to local NGOs, freedom of information requests were sometimes rejected arbitrarily.

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

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

During the year the government met with representatives of numerous international and nongovernmental human rights groups, including representatives from Human Rights Watch, the U.N. Human Rights Committee, the International Labor Organization (ILO), and the IACHR to discuss human rights. The government was responsive to these organizations.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions in practice.

Women.—Rape and Domestic Violence.—Rape, including spousal rape, is a crime, but evidentiary requirements, either in the form of clear physical injury or the testimony of a witness, often presented difficulties in prosecuting such crimes. The pen-

alties for rape ranged from six months' up to 20 years' imprisonment. There were no reports of police or judicial reluctance to act on rape cases; however, women's rights advocates claimed that police, hospital, and court attitudes toward sexual violence survivors sometimes revictimized the individual.

The Rape Victims' Association reported more than 2,900 rape cases in Buenos Aires City and Buenos Aires Province during the year. The NGO estimated that 80 percent of those cases involved victims under the age of 18. The NGO noted that these figures did not include rapes reported directly to the municipal, provincial, and national governments. Many rapes go unreported due to fear of further violence, retribution, and social stigma.

The law prohibits domestic violence, including spousal abuse, although it defines violence against women as a misdemeanor, and complaints are addressed in civil rather than criminal courts. Family court judges have the right to bar a perpetrator from a victim's home or workplace. The law, however, prescribes penalties for domestic violence only when it involves crimes against sexual integrity, in which case the penalty can be as much as 20 years' imprisonment. According to local NGOs, lack of police and judicial vigilance often led to a lack of protection for victims.

Domestic violence against women was a problem. In 2009 Amnesty International reported that a woman died every three days as a result of domestic violence. The civil society organization La Casa del Encuentro reported that 282 women died during the year as a result of domestic or gender-based violence, an increase of 8 percent from 2010 figures. Approximately one third of these cases occurred in Buenos Aires Province. Of these killings, 56 percent involved a husband, boyfriend, or exboyfriend; in at least 31 cases, the woman had filed a complaint against the aggressor for domestic violence.

The Supreme Court's Office of Domestic Violence provided around-the-clock protection and resources to victims of domestic violence. The office received approximately 600 cases of domestic violence each month, an estimated 60 percent of which involved violence against women. Approximately 54 percent of cases involved situations in which the victim's life was at risk. The office also carried out risk assessments necessary to obtain a restraining order.

The Ministry of Justice continued to operate mobile units to assist victims of sexual and domestic violence in the city of Buenos Aires. A free hotline servicing the city and the province of Buenos Aires offered consultations and received complaints.

Public and private institutions offered prevention programs and provided support and treatment for abused women. The Buenos Aires municipal government operated a small shelter for battered women; however, few other shelters existed.

Sexual Harassment.—Sexual harassment in the public sector is prohibited under laws that impose disciplinary or corrective measures. In some jurisdictions, such as Buenos Aires City, sexual harassment may lead to the abuser's dismissal, whereas in others, such as Santa Fe Province, the maximum penalty is five days in prison.

Reproductive Rights.—Couples and individuals generally had the right to decide freely the number, spacing, and timing of children, and had the information and means to do so free from discrimination, coercion, and violence. Access to information on contraception, and skilled attendance at delivery and in postpartum care were widely available. The law requires the government to provide free contraceptives; however, Human Rights Watch reported in April that birth control materials often were unavailable due to the government's "failure to purchase and distribute" them in practice. Women and men had equal access to diagnostic services and treatment for sexually transmitted infections.

Discrimination.—Although women enjoyed equal rights under the law, including property rights, they continued to face economic discrimination and held a disproportionately high number of lower-paying jobs. Women also held significantly fewer executive positions in the private sector than men, according to several studies. Studies estimated that women earned approximately 40 percent less than men for similar or equal work, and only 58 percent participated in the labor force, compared with 82 percent of men.

The Supreme Court's Office of Women trains judges, secretaries, and clerks to deal with court cases related to women; it also seeks to ensure equal access for women to positions in the court system.

Children.—Birth Registration.—The country provided universal birth registration, and citizenship was derived both by birth within the country's territory and from one's parents. Parents have 40 days within which to register births, and the state has an additional 20 days to do so. The Ministry of Interior may issue birth certificates to children under age 12 whose births have not been previously registered.

Child Abuse.—Child abuse was not uncommon; for example, the Office of Domestic Violence reported that between 30 and 35 percent of the cases it received per month involved children.

Sexual Exploitation of Children.—According to media sources, approximately 5,000 children are recruited every year for pornography and sex tourism. The minimum age of consensual sex is 18. There is a statutory rape law with penalties ranging from three to 15 years in prison, depending on the age of the victim. Additionally, regardless of age, if a judge finds evidence of deception, violence, threats, abuse of authority, or any other form of intimidation or coercion, the minimum sentence increases to 10 years.

Several cases of child sexual abuse were reported during the year. For example, in October the Oral Court of Tigre sentenced a priest to nine years' imprisonment for sexually abusing four children between the ages of 11 and 14 years.

The law prohibits the production and distribution of child pornography with penalties ranging from six months to four years in prison. While the law does not prohibit the possession of child pornography by individuals for personal use, it provides penalties ranging from four months to two years in prison for possession with the intent to distribute child pornography. Additionally, the law provides penalties ranging from one month's to three years' imprisonment for facilitating access to pornographic shows or materials to minors under the age of 14.

During the year prosecutors and police pursued cases of Internet child pornography. In May federal police conducted several raids in Buenos Aires as part of an international investigation and arrested 16 persons accused of trafficking media in an international child pornography ring. Police confiscated electronic devices carrying more than 10,000 photos of children, primarily ages two to 10, but released the offenders following an interrogation by a national judge. An investigation into whether the offenders distributed child pornograph continued at year's end.

The country is 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 Jewish community consisted of approximately 250,000 members. Sporadic acts of anti-Semitic discrimination and vandalism continued. The Delegation of Argentine Jewish Associations (DAIA) received 274 complaints of anti-Semitism during 2010, representing a decrease of 80 percent from 2009. A poll conducted by the Anti-Defamation League and the DAIA found "ingrained, pervasive" anti-Semitic attitudes. Most poll respondents indicated they believed Jews had too much power in the business world and were more loyal to Israel than to Argentina.

The most commonly reported anti-Semitic incidents were graffiti, verbal slurs, and the desecration of Jewish cemeteries. On two occasions Jewish leaders were assaulted verbally and physically outside of religious institutions. Both of the attacks took place during or around Jewish holidays. In a separate isolated incident, authorities dismissed a Buenos Aires metropolitan police officer after they discovered the officer's membership in an anti-Semitic youth organization. Most complaints were filed in Buenos Aires City, and the DAIA claimed that cases in the provinces were likely underreported.

In June DAIA authorities filed a formal complaint with the Anti-Semitism Division of the PFA against union leader Luis D'Elia for making anti-Semitic statements. In a radio interview, D'Elia commented on a court case involving Sergio Schoklender and the Madres of the Plaza de Mayo, calling Schoklender and others under investigation "countrymen." The DAIA alleged that D'Elia's statements were an attempt to "discredit" Schoklender based on his Jewish background. A public prosecutor indicted D'Elia for allegedly violating the Anti-Discrimination Law, and the case remained open at year's end.

In May the DAIA won an injunction against Google requiring that its search engine stop displaying links to anti-Semitic Web sites. The judge ordered Google to remove the links to such sites and halt all advertising of them.

The investigation into the 1994 bombing of the Argentina Israelite Mutual Association (AMIA) community center in Buenos Aires that killed 85 persons continued. With Interpol assistance, the federal prosecutor investigating the case continued to seek the arrest of eight Iranians for their alleged involvement in the bombing. In July the Iranian Foreign Ministry notified the government of its interest in "cooperating" in the investigation. In September President Fernandez de Kirchner stated the government "could not and should not" reject Iran's offer of a dialogue, but the government of Iran did not respond publicly to the president's statement by year's end.

An investigation into an alleged "cover-up" in the AMIA case involving former president Carlos Menem and former federal judge Juan Jose Galeano continued at year's end.

The government continued to support public dialogue to highlight past discrimination and to encourage religious tolerance, including the celebration of Freedom of Religion Day.

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, or the provision of other state services. A specific law also mandates access to buildings for persons with disabilities. While the federal government has protective laws, many states have not adopted the laws and have no mechanisms to ensure enforcement. An employment quota law reserves 4 percent of federal government jobs for persons with disabilities, but NGOs and special interest groups claimed the quota often was not respected in practice.

According to the Ministry of Labor's Office for Disabled Persons, more than 12,000 persons with disabilities had obtained jobs through Ministry of Labor programs in the city of Buenos Aires as of May 27. The programs included various benefits for disabled workers, such as free job training programs.

A pattern of inadequate facilities and poor conditions continued in some mental institutions. For example, the Jose T. Borda Hospital Psychiatric Hospital in Buenos Aires remained in poor condition and failed to provide basic necessities to patients, according to local human rights organizations and press reports. In July the Ombudsman's Office reported that the hospital lacked gas supplies, heating, and warm water for three months during the winter.

The National Advisory Committee for the Integration of People with Disabilities, under the National Council for Coordination of Social Policies, has formal responsibility for actions to accommodate persons with disabilities.

The government's actions to improve respect for the rights of persons with disabilities included a program that Buenos Aires Province started in September establishing economic incentives for municipalities that hire persons with disabilities to serve as civil servants. The program stipulated that municipalities participating in the program would receive a subsidy payment from the provincial Ministry of Labor.

Indigenous People.—The constitution recognizes the ethnic and cultural identities of indigenous people and states that the congress shall protect their right to bilingual education, recognize their communities and the communal ownership of their ancestral lands, and allow for their participation in the management of their natural resources. In practice indigenous people did not fully participate in the management of their lands or natural resources, in part because responsibility for implementing the law is delegated to the 23 provinces, only 11 of which have constitutions recognizing indigenous rights.

Although there is no formal process to recognize indigenous tribes or determine who is an indigenous person, indigenous communities can register with the provincial or federal government as civic associations.

Estimates of the indigenous population ranged from 700,000 to 1.5 million. Poverty rates were higher than average in areas with large indigenous populations. Indigenous people had greater than average rates of illiteracy, chronic disease, and unemployment. Indigenous women faced further discrimination based on gender and reduced economic status. The lack of trained teachers hampered government efforts to offer bilingual education opportunities to indigenous people.

For example indigenous peoples in the provinces of Neuquen and Formosa continued to lack adequate participation in decisions affecting their ancestral lands; in some cases these decisions endangered the health and welfare of indigenous communities. In April the IACHR ordered the national government to "guarantee life and personal integrity" to both the Paichil Antrio people of Neuquen and the Toba people of Formosa, who had denounced being harassed and dispossessed from their lands by their provincial governments for several years. On June 16, the Human Rights Ombudsman's Office issued a report on the indigenous rights situation in Formosa, stating that many indigenous communities lacked "basic rights," such as access to clean water and health services. In July the NGO Observatory of the Human Rights of Indigenous Peoples reported that at least 250 indigenous people from Neuquen were being prosecuted by the courts for defending their ancestral lands.

Following a violent conflict in Formosa in November 2010, the indigenous Toba group called on the national government to mediate a solution between the group and provincial authorities. On December 30, 2010, national authorities signed an

agreement with the Toba in which they pledged to oversee the return of ancestral land, provide official identification documents to the members of the community, and ensure minimum sanitary and security conditions. In the months following the agreement, the Toba group and human rights observers alleged that the provincial government failed to comply with the terms set forth. Community members, meanwhile, carried out a hunger strike in downtown Buenos Aires in protest. In May the Minister of Interior met with the group's leaders and promised to carry out land surveys, ending the hunger strike and reportedly quelling some of the concerns of human rights groups and community leaders. Although discussions continued, there was no known progress on the land surveys.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Lesbian, gay, bisexual, and transgender organizations operated freely. They worked closely with academic institutions, NGOs, and government authorities without interference.

There was no official discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. Overt societal discrimination generally was uncommon.

Three provinces still have laws that either criminalize transgender behavior or single out same-sex sexual activity when referring to prostitution; however, the National Institute Against Discrimination, Xenophobia, and Racism reported that these laws were rarely enforced.

Other Societal Violence or Discrimination.—There were no known reports of societal violence against persons with HIV/AIDs, but there were occasional reports of discrimination against persons with the disease. For example, a study by the Huesped Foundation reported that 94 percent of persons living with HIV or AIDS had suffered at least one instance of discrimination or stigmatization.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—With some restrictions, the law provides all workers the right to form and join "free and democratic labor unions, recognized by inscription in a special register," and protects the rights to conduct legal strikes and to bargain collectively. Military and law enforcement personnel are prohibited from forming and joining unions. The law prohibits antiunion discrimination, and provides broad protection to workers against dismissal, suspension, and changes in labor conditions. The law provides for reinstatement for workers fired for union activity.

The law allows unions to register without prior authorization, and registered trade union organizations may engage in certain activities to represent their members, including petitioning the government and employers, and adopting direct action measures. However, the law grants official trade union status to only one union deemed the "most representative" per industrial sector within a specific geographical region. Only unions with such official recognition receive trade union immunity for their officials, are permitted to directly deduct union dues, and may bargain collectively. In February the ILO raised concerns with the government with respect to these provisions of the law.

The Argentine Workers Central (CTA) and other labor groups not affiliated with the General Confederation of Labor continued to contend that the legal recognition of only one union per sector conflicted with international standards and prevented these unions from obtaining full legal standing. Despite a 2009 Supreme Court ruling in favor of the CTA and other unions seeking formal legal recognition, which would necessitate changes to current legislation and practice, the congress had not modified labor legislation, and the executive branch had not granted such recognition to the CTA at year's end. In February the ILO reiterated the need to amend current legislation and to provide the CTA with state recognition.

Civil servants and workers in essential services may strike only after a compulsory 15-day conciliation process, and they are subject to the condition that undefined "minimum services" be rendered. Once the conciliation term expires, civil servants and workers in essential services must give five days' notice to the administrative authority and the public agency that they intend to strike. If "minimum services" have not previously been defined in a collective bargaining agreement, all parties then negotiate which minimum services will continue to be provided and a schedule for their provision. The public agency, in turn, must provide two days' notice to users about the intended strike.

The law provides trade unions with official status the right to negotiate collective bargaining agreements, including recourse to conciliation and arbitration. The most representative union bargains on behalf of all workers and collective agreements cover both union members and nonmembers in the sector. The law requires the

Ministry of Labor, Employment, and Social Security to ratify collective bargaining agreements.

The government effectively enforced these laws in practice. Workers exercised freedom of association and the right to strike. Worker organizations were independent of government and political parties. Unions without official trade union status recognition by the government (that is, those that were not the "most representative") in their sector have made membership gains within the workplace.

There were no known cases of significant delays or appeals in the collective bargaining process. During the year rural workers negotiated with agricultural business leaders a sector-wide salary increase of 35 percent; however, the government refused to approve the collective agreement, provoking complaints from the rural workers union and threats to blockade roads. At year's end the rural workers union filed a complaint requesting judicial mediation to resolve the conflict.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor, and the government generally enforced such laws. However, there were some reports that forced labor occurred in practice.

There were reported cases of labor exploitation, including forced labor, of Argentine citizens as well as migrant workers from Bolivia, Paraguay, and Peru in sweatshops, fruit and vegetable stores, groceries, agriculture, domestic service, and street sale. International organizations reported a continuous rise of unaccompanied children and teenagers who are victims of labor exploitation.

The Office of Rescue and Victims' Assistance under the Ministry of Justice and Human Rights reported rescuing 638 victims of forced labor during the year. In early September a federal court in Buenos Aires province rendered the first labor trafficking conviction since the passage of the 2008 law. A Bolivian citizen and owner of a sweatshop who had recruited three Bolivian women under false promises was sentenced to four years in prison.

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 16 years old. In rare cases, the respective labor authority may authorize a younger child to work as part of a family unit. Children between the ages of 16 and 18 years may work in a limited number of job categories and for limited hours if they have completed compulsory schooling, which normally ends at age 18. Children under 18 cannot be hired to perform perilous, arduous, or unhealthy jobs. In December this prohibition expanded to include rural workers as well, and the congress passed a law to amend rural working conditions. The law requires employers to provide adequate care for workers' children during work hours to discourage child labor.

Provincial governments and the city government of Buenos Aires are responsible for labor law enforcement. Legal penalties for employing underage workers ranged from 1,000 to 5,000 pesos ($240 to $1,200) for each child employed. Subsequent violations allow the labor authority to close the company for up to 10 days, and the company is then prevented from becoming a vendor to the government for a year. According to the Ministry of Labor, there were more than 96,000 labor inspections during the year. However, no information is available regarding the results of such inspections.

The National Commission for the Eradication of Child Labor (CONAETI) continued to conduct seminars with the 22 provincial commissions for the eradication of child labor to train provincial authorities responsible for enforcing labor laws and raising awareness regarding exploitive child labor. It also continued providing technical assistance to NGOs addressing child labor in the tobacco and trash-picking sectors. CONAETI also trained members of the Network of Businesses against Child Labor and encouraged expansion of the network's "Harvest Gardens" program, which provided several daycare centers for children in tobacco-producing zones. In August the first "Harvest Garden" outside the tobacco sector opened in a strawberry-growing area.

The government continued its Heads of Household initiative, a cash transfer and employment training program, to workers in the informal economy. The government incorporated 247 adults into the Heads of Household program during the year. Also, as part of the implementation of the National Plan for the Prevention and Eradication of Child Labor, CONAETI continued awareness-raising activities such as a national campaign against forced child labor; identified and strengthened direct action programs to prevent and combat child labor; and conducted trainings for health professionals on child labor.

The government continued implementing the Universal Child Allowance program, a cash subsidy granted to families with up to five children under 18 years of age

when either parent is unemployed, is an unregistered worker earning less than the minimum wage, or is a "self employed" worker that pays a small-business tax. The program is aimed at improving child nutrition, increasing school attendance, and reducing child labor, as families are required to prove children attended school and received vaccinations in order to collect the monthly allowance. According to UNICEF, 3.6 million people benefit from the allowance.

Child labor persisted in practice. A 2004 government survey revealed that an estimated 450,000 children were working, or 7 percent of children between the ages of five and 13 years and 20 percent of children over the age of 14. In rural areas children worked in family and third-party farms producing such goods as blueberries, cotton, garlic, grapes, olives, strawberries, tobacco, tomatoes, and yerba mate. Children working in the agriculture sector often handled pesticides without proper protection. In urban areas some children engaged in domestic service and worked on the street selling goods, shining shoes, and recycling trash. According to government sources, some children worked in the manufacturing sector producing such goods as bricks, matches, fireworks, and garments. Children were also found working in the mining, fishing, and construction sectors.

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 government increased the monthly minimum wage for most workers in September to 2,300 pesos ($550). This exceeded the amount of 1,386 pesos ($324) a month that the National Census and Statistics Institute estimated was needed by a family of four to remain above the poverty line.

Federal labor law sets standards in the areas of health, safety, and hours. The maximum workday is eight hours, and the maximum workweek is 48 hours. Overtime pay is required for hours worked in excess of these limits. The law sets minimums for periods of rest, requiring a minimum of 12 hours of rest to start a new workday. Sundays are holidays, and those required to work on Sundays are paid double. Paid vacations are mandatory for all workers for a minimum of 14 days and a maximum of 35 days, depending on the length of their service.

The law sets premium pay for overtime, adding an extra 50 percent of the hourly rate on ordinary days and 100 percent on Saturday afternoons, Sundays, and holidays. Employees cannot be forced to work overtime unless work stoppage would risk or cause injury, the need for overtime is caused by an act of God, or other exceptional reasons affecting the national economy or "unusual and unpredictable situations" affecting businesses occur. Workers have the right to remove themselves from dangerous or unhealthy work situations without jeopardy to continued employment. However, workers who leave the workplace before it has been proven unsafe risk being fired; in such cases, the worker has the right to judicial appeal, but the process was typically very lengthy.

The law requires employers to insure their employees against accidents at the workplace and when traveling to and from work. The law requires that employers either provide insurance through a labor risk insurance entity or provide its own insurance to employees to meet specified requirements set forth by the national insurance regulator.

Domestic employees, rural workers, free lance workers, and the volunteer firemen corps are excluded from the above provisions regarding minimum wages, hours of work, and occupational safety and health. The law includes separate minimum wage and hour regulations for domestic employees and rural workers.

Laws governing acceptable conditions of work were not enforced universally, particularly for workers in the informal sector. The Ministry of Labor had responsibility for enforcing legislation related to working conditions. The ministry continued inspections to get companies to register their informal workers. During the year the government increased labor inspections to detect unregistered or compulsory work, mainly in rural areas. The Ministry of Labor reported that its 479 labor inspectors undertook more than 96,000 inspections during the year. However, information was unavailable regarding irregularities encountered by inspectors and fines or penalties imposed. According to a 2007 ILO study, 60 percent of employed citizens ages 15 to 24 were engaged in informal labor. The Superintendence of Labor Risks serves as the enforcement agency to monitor compliance of health and safety laws and the activities of the labor risk insurance companies.

In practice, most workers in the formal sector earned significantly more than the minimum wage. Generally speaking, the minimum wage served to mark the minimum pay an informal worker should get, although formal workers' pay was usually higher. Major labor accidents occurred in the construction, transport, and agriculture sectors. According to the Labor Risk Superintendency, there were 61.6 worker fatalities per million workers. Agriculture recorded 184.6 per million workers, construction had 196.7 per million, and transport had 157.2 per million. During the

year the government intensified labor inspections in rural areas and identified 797 victims of labor exploitation, according to the Office of Rescue under the Ministry of Justice and Human Rights. Most cases reflected similar patterns: victims had been deprived of their documents, lived in precarious housing without electricity or water, lacked restrooms, and experienced pay deductions for the cost of clothes and food.

BAHAMAS, THE

EXECUTIVE SUMMARY

The Commonwealth of The Bahamas is a constitutional, parliamentary democracy. Prime Minister Hubert Ingraham's Free National Movement (FNM) regained control of the government in May 2007 elections that observers found to be generally free and fair. Security forces reported to civilian authorities.

The most serious human rights problems were complaints of abuse by police and a poorly functioning judicial system, leading to delays in trials, lengthy pretrial detention, and witness intimidation.

Other human rights problems included poor detention conditions; corruption; violence and discrimination against women; sexual abuse of children; and discrimination based on sexual orientation, HIV status, or ethnic descent.

The government took action against police officers accused of abuse of power, and there was not a widespread perception 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. However, there were occasional reports of fatal shootings by police. Police investigated all such incidents and referred them to a coroner's court for further evaluation. In addition, all deaths in police custody go before the coroner's court.

Authorities reported three fatalities in police operations during the year: one shooting while police were executing a search warrant, another during an armed robbery, and the third during a physical altercation with officers.

On February 18, an autopsy report showed that police shot in the back and killed Dudley Jyvonne Collie Jr. from a distance in July 2010, despite an assertion by police that he was shot in the left shoulder and side after pointing a gun at them. After a police investigation, the matter was sent to the coroner's court in April. Any action to be taken against the police officer will be determined when the coroner's inquest is complete. In the meantime, a family member filed a civil suit against the police department.

On January 28, a news article quoted former assistant commissioner of police Paul Thompson as agreeing with public opinion that the police were "a bit too trigger happy." He suggested they be issued tasers to reduce police-related shootings.

The coroner's court resolved 1,278 cases during the year and faced a backlog of 846 cases, including a few pending cases involving police shootings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the constitution prohibits such practices, citizens made numerous reports alleging instances of police abuse of criminal suspects. Former police officials acknowledged that use of excessive force was a problem within the Royal Bahamas Police Force (RBPF).

A newspaper editor and an attorney published an Op-Ed piece asserting that they previously represented numerous clients who were tortured by the RBPF in order to extract confessions, and that they believed the RBPF used torture to obtain confessions on a regular basis.

In January detention center guards fired rubber bullets into an angry crowd to regain control after a brawl broke out among detainees.

In August when authorities arraigned two brothers on murder charges, their attorney claimed that while the brothers were in custody, police beat them with aluminum bats and put plastic bags over their heads in order to extract involuntary statements. In addition their attorney said that police withheld food from the brothers.

Citizens filed 120 assault complaints against 137 police officers through October, and the deputy commissioner of police said 66 investigations had been closed.

No information was available about the outcome of those investigations.

Prison and Detention Center Conditions.—Conditions at Fox Hill Prison, the country's only prison, remained harsh and unsanitary for many prisoners. Overcrowding was a major problem in the men's maximum-security block. Originally built in 1953 to hold 450 inmates, it held 700 of the country's 1,300 prisoners. To address overcrowding in the Remand Center at the same site, stemming from processing backlogs within the judicial system, approximately 300 detainees awaiting trial were housed in the maximum-security block while they awaited trial. The remaining prisoners were held in medium- and minimum-security units that were at intended capacity.

Due to overcrowding in the maximum-security block, three or four male prisoners were forced to live in cells originally intended for one or two prisoners. Others remained in poorly ventilated and poorly lit cells that lacked regular running water. In 2010 authorities installed composting toilets in an attempt to move away from the unsanitary practice of removing human waste by bucket called "slopping." However, these toilets were ineffective and were subsequently removed, and slopping resumed. Maximum-security inmates were allowed outside for exercise four days a week for one hour per day.

Four reverse osmosis units installed at various prison housing units allowed each inmate to extract a minimum of one gallon of potable water during exercise time each day, free of charge. In addition, bottled water was available for purchase from the inmate commissary.

Conditions for female prisoners were less severe than for men; however, women did not have access to the same work-release programs available to male prisoners.

The prison did not have a separate section for juvenile offenders between the ages of 16 and 18 but used a classification system to attempt to separate them from the most dangerous adults. Offenders younger than 16, along with children made wards of the court by their parents, were held at the Simpson Penn Center for Boys and the Williamae Pratt Center for Girls. After five boys escaped from the Simpson Penn Center in October, the minister of state for social development declared that the center was not adequately staffed but asserted that the government would hire more staff to remedy the situation.

Generally prisoners and detainees had reasonable access to visitors and were permitted religious observance. Organizations providing aid, counseling services, and religious instruction had regular access to inmates. At their request, prisoners are entitled to an audience with the superintendent or a designee to lodge complaints. The superintendent was available to hear the complaints of prisoners every day of the week except Sundays. The government said that there were 20 complaints to judicial authorities about situations in the prison, mostly related to a desire to be placed in the day-release work program, a shortage of recreational equipment, and greater access to dental facilities. Officials stated that they investigated all credible allegations. Authorities conducted 43 preliminary inquiries and 25 investigations of staff and inmates. There were three inmate deaths during the year.

The highest occupancy at the Carmichael Road Immigrant Detention Center during the year was 455 persons. The center was originally a school and was converted into a detention center in the mid-1990s to accommodate the increase in number of illegal migrants. When the center initially opened, it consisted of four dormitories, each with a 50-bed capacity. Two of those dormitories burned down, limiting the current facility to two dormitories with the capacity for 100 detainees. The dormitories were gender-segregated and secured using locked gates, metal fencing, and barbed wire. When the dormitories are at maximum capacity, detention center staff utilize the floor of the main hall in the medical building to accommodate up to another 50 individuals with sleeping space. Any additional detainees sleep outside.

As of December 8, there were 109 detainees (86 men, 17 women, and six children). Authorities held six detainees for more than 18 months and four others for more than 12 months. Haitians and Jamaicans were the most commonly interdicted migrants. In October authorities temporarily transferred 65 detainees to the Fox Hill Prison after a Haitian migrant tested positive for cholera. No further cases were reported. The center transferred child detainees intercepted without their parents to a hostel separate from the detention center. Child detainees with a parent were held in the women's dormitory at the detention center.

Authorities reported no complaints from detainees during the year. However, detainees did not have access to an ombudsman or other means of submitting uncensored complaints, although they did have access to public pay telephones. Earlier in the year, as a result of a well malfunction, there were unsanitary conditions in the toilet and shower facilities, as well as a lack of potable water. Authorities subsequently remedied these conditions, and in December drinking water was available from a tap in the men's facility. The bathroom sinks in the women's facility were

not functioning but the toilets and shower were in working order. Women drew their drinking water from the shower.

The government introduced additional bureaucratic procedures for some nongovernmental organizations (NGOs) to gain access to the detention center, making it difficult to visit detainees on a regular basis. Human rights organizations complained that donations made to the detention center did not appear to be utilized for the benefit of detainees.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions, although police occasionally were accused of arresting and detaining persons arbitrarily.

Role of the Police and Security Apparatus.—The Royal Bahamas Police Force (RBPF) maintains internal security, and the small Royal Bahamas Defense Force (RBDF) is responsible for external security, security at the Carmichael Road Detention Center, and some minor domestic security functions such as guarding foreign embassies and ambassadors. The Ministry of National Security oversees the RBPF and the RBDF.

A police officer involved in shooting or killing a suspect is automatically placed under investigation. The Police Complaints and Corruption Branch (PCCB), which reports directly to the deputy commissioner, is responsible for investigating allegations of police brutality or other abuse. This unit determines if enough evidence of abuse or misconduct exists in a particular case to warrant disciplinary action within the police system or, in some cases, criminal prosecution by the attorney general. The PCCB had 21 staff members to process complaints against police officers.

In addition to the PCCB, the government established an independent body—the Police Complaints Inspectorate Office (PCIO)—on New Providence and Grand Bahama islands in 2010 to investigate complaints against police. The PCIO, which is composed of five citizens, met eight times during the year to consider 60 complaints against officers, most of which were assault and unlawful arrest cases. No information was available on the outcome of the PCIO proceedings.

There were 287 complaints against police during the year, compared with 385 in 2010. Of these cases, the PCCB recommended 34 to the Police Tribunal, informally resolved 16, found five to be unsubstantiated, determined that 31 were unfounded, and concluded that 21 had insufficient evidence. Complainants withdrew 37 cases; the remainder were pending. The Police Tribunal processed 21 of the 34 complaints sent to it with the following outcomes: It fined 10 officers, dismissed two officers from the force, recommended six officers for dismissal, and reprimanded three officers. The complaints included assault, unethical behavior, unlawful arrest, stealing, damage, neglect of duty, missing property, causing harm, threats of death, threats of harm, and harassment.

Arrest Procedures and Treatment While in Detention.—In general the authorities conducted arrests openly and, when required, obtained judicially issued warrants. Serious cases, including suspected narcotics or firearms offenses, do not require warrants where probable cause exists. The law provides that authorities must charge a suspect within 48 hours of arrest. Arrested persons appear before a magistrate within 48 hours (or by the next business day for cases arising on weekends and holidays) to hear the charges against them. Police can apply for a 48-hour extension upon simple request to the court and for longer extensions with sufficient showing of need. Some persons on remand claimed they were not brought before a magistrate within the 48-hour time frame. The government generally respected the right to a judicial determination of the legality of arrests. The constitution provides the right for those arrested or detained to retain an attorney at their own expense; volunteer legal aides were sometimes available. Minors under age 18 have the right to communicate with a parent or guardian.

There was a functioning bail system. Individuals who could not post bail were held on remand until they faced trial. Judges sometimes authorized cash bail for foreigners arrested on minor charges; however, in practice foreign suspects generally preferred to plead guilty and pay a fine rather than pursue their right to defend themselves, in view of possible delays in court cases and harsh conditions in prison.

Attorneys and other prisoner advocates continued to complain of excessive pretrial detention due to the failure of the criminal justice system to try even the most serious cases in a timely manner. The constitution provides that suspects can be held for a "reasonable period of time" before trial, which new crime legislation passed in October defined as two years. Government officials stated that approximately 600 of the 1,300 prisoners were awaiting trial. To begin to address the overcrowding issue, in October authorities introduced a new electronic ankle bracelet surveillance system in which they released select suspects awaiting trial with the ankle bracelet in place on the understanding that the person would adhere to strict and person-

specific guidelines defining allowable movement within the country. The prison had 150 persons enrolled in the program and the capacity to enroll up to 2,000.

The authorities detained illegal immigrants, primarily Haitians, until arrangements could be made for them to leave the country or they obtained legal status. The average length of detention varied significantly by nationality, willingness of governments to accept their nationals back in a timely manner, and availability of funds to pay for repatriation. Haitians usually were repatriated within one to two weeks, while Cubans were held for much longer periods. Illegal immigrants convicted of crimes other than immigration violations were held at Fox Hill Prison, where they often remained for weeks or months after serving their sentences, pending deportation. Some detainees complained that they missed flights for which they had purchased their own tickets because they were not released when detention center managers told them they would be.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice. However, sitting judges are not granted tenure, and some law professionals asserted that judges were incapable of rendering completely independent decisions due to lack of job security.

Trial Procedures.—The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Defendants enjoy a presumption of innocence until proven guilty and are permitted to question witnesses at trial and view government evidence. Defendants have a right to appeal. Defendants can elect to use a jury in criminal cases; serious offenses such as murder and fraud automatically go to a jury.

Although defendants generally have the right to confront witnesses, a law termed the Witness Protection Act passed in October allows, in some cases, for witnesses to testify anonymously against accused perpetrators. The prime minister advocated for the bill in response to more than 19 cases of intimidation or killing of witnesses, saying it was necessary because the "care of victims and witnesses of crime is causing 'serious damage' to the successful prosecution of criminals."

As in previous years, a significant backlog of cases waiting to be tried by the Supreme Court remained a problem. Delays reportedly lasted five years or more. To begin to address the issue, the government added a fifth criminal trial justice and court at the Supreme Court level. Local legal professionals attributed delays to a variety of longstanding systemic problems, such as slow and limited police investigations, inefficient prosecution strategies, limited forensic capacity, lengthy legal procedures, and staff shortages in the Prosecutor's Office.

Defendants may hire an attorney of their choice, but the government provided legal representation only to destitute suspects charged with capital crimes, leaving large numbers of defendants without adequate legal representation. Lack of representation contributed to excessive pretrial detention, as some accused lacked the means to pursue their case toward trial.

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

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters, and there is access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation.

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

While the law usually requires a court order for entry into or search of a private residence, a police inspector or more senior police official may authorize a search without a court order where probable cause to suspect a weapons violation or drug possession exists.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—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—albeit extremely backlogged—judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press. The independent media were active and expressed a wide variety of views without significant restriction.

Internet Freedom.—There were no government restrictions on access to the Internet or 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. However, the Plays and Films Control Board rates and censors entertainment.

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

c. Freedom of Religion.—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 assisting refugees and asylum seekers. The government did not systematically share its prescreening notes with the UNHCR but did seek UNHCR advice on specific cases of concern.

Protection of Refugees.—Access to Asylum.—The government has not established a consistent system for providing protection to all refugees and asylum seekers. When they occurred, applications for political asylum were adjudicated on a case-by-case basis at the cabinet level. The authorities received 11 asylum requests, of which none were granted during the year but two were still in progress at year's end.

Local and international human rights observers criticized the government for failing to screen potential asylum applicants adequately. Those requesting asylum screening often lacked access to legal counsel. Human rights observers claimed that the government detained Cuban migrants for excessive periods. The government asserted that trained immigration officials interviewed and adequately screened all migrants who claimed asylum.

Stateless Persons.—The government has not effectively implemented laws and policies to provide certain habitual residents the opportunity to gain nationality in a timely manner and on a nondiscriminatory basis. Children born to non-Bahamian parents or to a Bahamian mother and a non-Bahamian father do not automatically acquire citizenship. Bahamian-born persons of foreign heritage must apply for citizenship during a 12-month window following their 18th birthday, sometimes waiting many years for a government response. The narrow window for application, difficult documentary requirements, and long waiting times created generations of de facto stateless persons. However, the government did not consider many of these individuals stateless, because they were often eligible for the citizenship of their parents and could apply for Bahamian citizenship on their 18th birthday.

There were no reliable estimates of the number of de facto stateless persons. Such persons often faced waiting periods of several years for the government to decide on their nationality applications and, as a result, lacked proper documentation to secure employment, housing, access to health services, and other public facilities during this period.

Individuals born in the country to non-Bahamian parents were eligible to apply for certificates of identification that entitled them to work authorization, access to grade school-level education, and a fee-for-service healthcare insurance program. Human rights advocates criticized the health insurance program as having unrealistic payment requirements that prohibited widespread access. Individuals born in the country to non-Bahamian parents were not required to pay the college tuition rate for foreign students while waiting for their request for citizenship to be processed.

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.—In 2007 national elections generally considered free and fair, the FNM won 23 of 41 seats in the House of Assembly and formed the new government under Hubert Ingraham. During the year, a Boundary Commission redrew the lines for voting districts in preparation for the next elections in 2012. Members of the opposition Progressive Liberal Party and Democratic National Alliance (DNA) accused the FNM of gerrymandering and a biased process. Local civil society members criticized the government for lack of transparency in campaign finance, potentially exposing politicians to unethical influ-

ence by major contributors. There is no legislation in place to regulate election finance, which means that politicians are not required to declare campaign contributions and are not bound to utilize contributions for campaign purposes.

Participation by Women and Minorities.—The House of Assembly had five elected female members; there were five appointed female senators, including its president, in the 14-seat Senate. There was one woman in the cabinet.

Information on racial background was not collected, but there were several members of minorities in prominent positions in parliament and the cabinet.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. However, there were some reports of government corruption during the year.

A preliminary audit report in July of the Education Loan Authority (ELA) suggested that large sums of money were used for personal reasons by ELA officials and were either misreported or unreported. In June RBPF officers demanded a forensic audit of the force's financial accounts, claiming abuse and misuse of the accounts for several years. Authorities arrested 12 persons, including six employees in the Road Traffic Department, for fraudulently registering vehicles in a scam that caused B$10 million ($10 million) in losses.

Because the government estimated that it loses about B$100 million ($100 million) a year due to corruption in the Department of Customs, in June laws were amended so that customs officers found complicit in scams could be prosecuted more swiftly.

Senior public officials, such as senators and members of parliament, were subject to financial disclosure under the Public Disclosure Act. However, not all of them complied with the requirement. In September a DNA candidate called on Prime Minister Ingraham to comply with the requirement, since in February 2010 Ingraham said he was among the group of politicians who had not complied with the law on yearly public disclosures. Antibribery legislation designates the attorney general as responsible for combating government corruption.

Media representatives criticized the lack of laws providing for public access to government information. Members of the local press also continued to complain that the government failed to provide regular, open access to information, including information regarding alleged human rights violations. Specifically, press and local human rights groups complained that the government was not forthcoming about alleged human rights abuses by police and prison and detention center guards, citing a lack of transparency in investigations and publication of investigative reports.

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

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

Government Human Rights Bodies.—A governmental commissioner with ombudsman-like duties enjoyed the government's cooperation and was considered effective.

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

The constitution prohibits discrimination on the basis of race, place of origin, political opinion, or creed, and the government generally enforced these prohibitions. However, the constitution and the law contain provisions that discriminate against women.

The country consists of 700 islands and cays, 30 of which are inhabited. Information in this report reflects the situation in the highly populated areas on New Providence and Grand Bahama. Limited information was available from the lesser populated out islands.

Women.—Rape and Domestic Violence.—Rape is illegal, but the law does not protect against spousal rape, except if the couple is separating, in the process of divorce, or if there is a restraining order in place. The maximum penalty for all rape offenses, including a first-time offense, is life imprisonment. Survivors reported 107 rapes during the year, for which authorities initiated 40 prosecutions. The minister for national security noted that annual rape figures through October 11 showed an increase of 38 percent compared with the previous year.

Violence against women continued to be a serious, widespread problem. Assailants killed a record number of 16 women during the year, compared with 10 in 2010. A local NGO that offers an abuse hotline reported receiving a "tremendous" increase in calls relating to intimate partner violence and domestic abuse. Domestic abuse

law prohibits domestic violence as a crime separate from assault and battery, and the government generally enforced the law. In January police announced that complaints of domestic violence could no longer be withdrawn without first going before a magistrate to do so. (In the past police stopped investigations if a complainant withdrew the complaint.) Assistant Commissioner Hulan Hanna stated that police made the adjustment to better combat the high levels of domestic abuse in the country.

Women's rights groups cited some reluctance on the part of law enforcement authorities to intervene in domestic disputes. The Bahamas Crisis Center worked with police by providing them with a counselor referral service to utilize when encountering rape victims.

The government operated a toll-free hotline in New Providence and Grand Bahama, run by trained volunteers at the Bahamas Crisis Center, to respond to emergency calls 24 hours a day. Government and private women's organizations continued public awareness campaigns highlighting the problems of abuse and domestic violence. The Ministry of Labor and Social Development's Department of Social Services, in partnership with a private organization, operated a safe house to assist battered women. The ministry's Bureau of Women's Affairs was responsible for promoting and protecting women's rights.

Sexual Harassment.—The law prohibits criminal "quid pro quo" sexual harassment and authorizes penalties of up to B$5,000 ($5,000) and a maximum of two years' imprisonment. No information was available about the number of reports of workplace sexual harassment during the year. Civil rights advocates complained that criminal prohibitions were not enforced effectively and that civil remedies, including a prohibition on "hostile environment" sexual harassment, were needed.

Reproductive Rights.—Couples and individuals generally could decide freely and responsibly the number, spacing, and timing of their children, and were not subject to discrimination, coercion, or violence regarding these choices. Access to family planning was universally available to persons age 18 and older and to younger persons with the consent of an adult. Authorities removed pregnant teens from government educational institutions and placed them in a special school operated by the Providing Access to Continued Education Foundation until after the birth of their children. The Maternal and Child Health Unit of the Ministry of Health provided information pamphlets on maternal and child health to clinics. A government Web site provided information for maternal and child health-care services provided by various clinics throughout the country. Women had access to maternal health services. According to U.N. data, skilled personnel attended 99 percent of births, and 98 percent of mothers received prenatal and postpartum care. Services were available on a nondiscriminatory basis, although some illegal immigrants did not receive postpartum care because they had no fixed address.

Discrimination.—The law does not provide women with the same right as men to transmit citizenship to their foreign-born spouses. The law also makes it easier for men with foreign spouses than for women with foreign spouses to confer citizenship on their children. The law does not include gender as a basis for protection from discrimination. Women were generally free of economic discrimination, and the law provides for equal pay for equal work.

Children.—Birth Registration.—Children born to non-Bahamian parents or to a Bahamian mother and a non-Bahamian father do not automatically acquire citizenship. Otherwise, citizenship is acquired by birth in the country. There is universal birth registration; all births must be registered within 21 days of delivery. All residents, regardless of immigration status, had free access to education and social programs.

Child Abuse.—Both the government and civic organizations conducted public education programs aimed at child abuse and appropriate parenting behavior; however, child abuse and neglect remained serious problems. The RBPF operated a hotline regarding missing or exploited children. The Child Protection Act of 2007 included increased penalties for child abuse, mandatory reporting to police of all forms of child abuse, a provision for fathers of children born out of wedlock to pursue custody of the children, and a provision for mothers of children born out of wedlock to pursue maintenance for those children up to age 18.

The Department of Social Services reported 636 cases of child abuse during the year. They included 141 cases of physical abuse, 41 cases of neglect, 10 cases of abandonment, and 11 cases of incest. In addition the RBDF reported 110 cases of adults having unlawful sexual intercourse with children 15 years old and younger. Although the Ministry of Foreign Affairs reported no charges of rape or unlawful sex against teachers during the year, the press reported two teachers on Andros is-

land were under investigation by the Ministry of Education for sex with teenage girls. In July authorities charged a police constable with raping a 13-year-old girl.

The law requires all persons having contact with a child they believe to have been physically or sexually abused to report their suspicions to the police. The law provides penalties for the rape of persons between the ages of 14 and 16 of up to 14 years' imprisonment, with harsher penalties involving persons under age 14. While a victim's consent is insufficient defense against allegations of statutory rape, it is sufficient defense if an individual can demonstrate that the accused had "reasonable cause to believe that the victim was above 16 years of age," provided the accused was under age 18.

Sexual exploitation of children through incestuous relationships occurred, and anecdotal reports continued to suggest that this was a particular problem in the out islands. Observers generally acknowledged that a small number of children were involved in illicit or unlawful activities. The ministry may remove children from abusive situations if a court deems it necessary. The ministry provided services to abused and neglected children through a public-private center for children, the public hospital family violence program, and the Bahamas Crisis Center.

The Department of Social Services is responsible for abandoned children up to 18 years of age but had very limited resources at its disposal. The government found foster homes for some children, and the government hospital housed abandoned children with physical disabilities when foster homes could not be found.

Sexual Exploitation of Children.—The minimum age for consensual sex is 16 years. The law considers any association or exposure of a child to prostitution or a prostitution house as cruelty, neglect, or ill treatment of a child. Additionally, the offense of having sex with a minor carries a penalty of life imprisonment. Child pornography is against the law. A person who produces it is liable to life imprisonment; dissemination or possession of it calls for a penalty of 20 years' imprisonment.

International Child Abductions.—The country is 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.—There were no reports of anti-Semitic acts. The local Jewish community numbered approximately 200 persons.

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

Persons With Disabilities.—There is no specific law protecting persons with physical or mental disabilities from discrimination in employment, education, access to health care, or the provision of other state services. However, provisions in other legislation address the rights of persons with disabilities, including a prohibition of discrimination on the basis of disability. Although the law mandates access for persons with physical disabilities in new public buildings, the authorities rarely enforced this requirement, and very few buildings and public facilities were accessible to persons with disabilities. Advocates for persons with disabilities complained of widespread job discrimination and general apathy on the part of private employers and political leaders toward the need for training and equal opportunity.

The Disability Division within the Ministry of Labor and Social Development reported providing the following services during the year: disability allowances to disabled persons; financial assistance to procure prosthetics, wheelchairs, hearing aids, and other assistive devices; regular prosthetic committee meetings; annual government grants to NGOs serving the disabled community; crisis intervention counseling; and Braille classes.

In May the media reported allegations of patient abuse at the Sandilands psychiatric facility. Orderlies were accused of violently abusing institutionalized patients, and nurses were said to be too afraid to speak out.

A mix of government and private residential and nonresidential institutions provided education, training, counseling, and job placement services for adults and children with both physical and mental disabilities.

*National/Racial/Ethnic Minorities.*The country's racial and ethnic groups generally coexisted in a climate of peace. However, anti-Haitian prejudice and resentment regarding Haitian immigration was widespread. According to unofficial estimates, between 10 and 25 percent of the population were Haitians or persons of Haitian descent, making them the largest ethnic minority. Many persons of Haitian origin lived in shantytowns with limited sewage and garbage services, law enforcement, or other infrastructure. Haitian children generally were granted access to education and social services, but interethnic tensions and inequities persisted. The Haitian community was characterized by high poverty, high unemployment, poor

educational achievement, and poor health conditions. Haitians generally had difficulty in securing citizenship, residence, or work permits.

Members of the Haitian community complained of discrimination in the job market, specifically that identity and work-permit documents were controlled by employers seeking leverage by threat of deportation. Some also complained of tactics used by immigration officials in raids of Haitian or suspected Haitian communities.

In February immigration and RBDF officers were accused of using excessively aggressive tactics including crowbars and maul hammers to damage property and beat Haitian immigrants.

Haitians also claimed that authorities stole cell phones and money from them on a regular basis.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Societal discrimination against gay men and lesbians occurred, with some persons reporting job and housing discrimination based upon sexual orientation. Although same-sex sexual activity between consenting adults is legal, the law defines the age of consent for same-sex couples as 18 years, compared to 16 years for heterosexual couples. No domestic legislation addresses the human rights concerns of lesbian, gay, bisexual, and transgender (LGBT) persons. The 2006 Constitutional Review Commission found that sexual orientation did not deserve protection against discrimination.

In June a father told the press that the rape and murder of his daughter, who was a lesbian, may have been a hate crime. The police investigated but could not prosecute as a hate crime since no such law existed.

The July murder of photographer Sharvado Simmons remained unsolved, but some members of the LGBT community believed he was killed by a group of men seeking retribution for a previous incident where Simmons solicited and deceived one of the men while dressed "in drag."

Other Societal Violence or Discrimination.—Stigma and discrimination against persons with HIV/AIDS was high, but there were no reports of violence against persons with HIV/AIDS. Children with HIV/AIDS also faced discrimination, and teachers often were not told that a child was HIV-positive for fear of verbal abuse from both educators and peers. The government maintained a home for orphaned children infected with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law protects the right of workers to form and join independent unions, participate in collective bargaining, and conduct legal strikes, and it prohibits antiunion discrimination.

Members of the police force, defense force, fire brigade, and prison guards may not organize or join unions, but other public sector workers are permitted to join unions. Employers can apply to have union recognition revoked if a collective agreement is not reached after 12 months.

Employers can be compelled to reinstate workers illegally fired for union activity. Under the law labor disputes first are filed with the labor ministry and then, if not resolved, are transferred to an industrial tribunal. The tribunal's decision is final and can be appealed in court only on a strict question of law.

The government effectively enforced labor laws, including the right to form and join independent unions and to strike. Unions and employers negotiated wage rates without government interference. The ministry reported various forms of labor violations during the year, all of which it stated were resolved in a timely manner.

The Ministry of Labor and Social Development reported that worker organizations were not affiliated with government or specific political parties and that it did not receive any reports of threats of violence targeting union leaders by employers. Workers occasionally filed disputes with the authorities involving "union-busting" charges, and the ministry asserted that it consistently upheld the applicable labor statues to protect worker rights. There were reports of violations of collective bargaining rights from some unions, and in some cases the courts ruled in favor of the plaintiffs and compensated them accordingly.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor, and the Ministry of Labor and Social Development asserted that no cases of forced labor were reported during the year. However, local NGOs maintained that exploited workers often did not report their circumstances to government officials for fear of the threat of deportation.

There were reports that non-Bahamian laborers suffered abuses at the hands of their employers, who were responsible for endorsing their work permits on an annual basis. Specifically, local sources indicated that employers reportedly obtained B$1,000 ($1,000) work permits for non-Bahamian employees and then required

them to "work off" the permit fee over the course of their employment or otherwise risk losing the permit and their ability to work legally within the country.

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 under age 14 for industrial work or work during school hours. Children under age 16 may not work at night. There was no legal minimum age for employment in other sectors. Occupational health and safety restrictions apply to all younger workers.

The Ministry of Labor and Social Development is responsible for enforcing laws regulating working hours for children, as well as occupational health and safety restrictions.

Some children as young as 12 years old worked part time in service jobs in the evenings after school.

d. Acceptable Conditions of Work.—The minimum wage was B$4.45 ($4.45) per hour for hourly workers, B$35 ($35) per day for daily workers, and B$150 ($150) per week for weekly-paid workers.

The law provides for a 40-hour workweek, a 24-hour rest period, and time-and-a-half payment for hours worked beyond the standard workweek. The law stipulates paid annual holidays and does not provide for compulsory overtime.

The government sets health and safety standards. According to the Ministry of Labor and Social Development, the law protects all workers, including migrant workers and undocumented workers in areas including wages, working hours, working conditions, and occupational and safety standards.

The ministry was responsible for enforcing labor laws, including the minimum wage, and had a team of inspectors that conducted on-site visits to enforce occupational health and safety standards and investigate employee concerns and complaints, although inspections occurred infrequently. The ministry normally announced inspection visits in advance, and employers generally cooperated with inspectors to implement safety standards. It was uncertain whether these inspections effectively enforced health and safety standards, although the ministry actively sought international assistance to improve performance. The law does not provide a right for workers to remove themselves from dangerous work situations without jeopardy to continued employment.

No workplace fatalities were reported during the year. The only major industrial accident reported involved a tornado touching down at Freeport Container Port that resulted in three deaths.

BARBADOS

EXECUTIVE SUMMARY

Barbados is a multiparty, parliamentary democracy. In 2008 national elections, voters elected Prime Minister David Thompson of the Democratic Labour Party (DLP). International observers assessed the vote as generally free and fair. Prime Minister Thompson died in office in October 2010 and was replaced by Deputy Prime Minister Freundel Stuart. Security forces reported to civilian authorities.

The most serious human rights problem was occasional use of excessive force by the police.

Other human rights problems included societal violence against women and children and discrimination against gays and lesbians.

The government took steps to punish officials who committed abuses, and there was not a widespread perception of impunity for security force members.

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

a. Arbitrary or Unlawful Deprivation of Life.—The government or its agents did not commit any politically motivated killings, but on rare occasions, there were police killings in the line of duty. Authorities investigated all such killings and referred them to a coroner's inquiry when appropriate.

In July police officers shot and killed Shawn Anderson Sealy, sought in connection with an aggravated burglary, after he attacked them with a machete and damaged a police vehicle. The coroner's office was investigating the case at year's end. In December Curtis Callender died at the Oistins Police Station while in police custody for questioning. At year's end the attorney general awaited a final autopsy report, but an initial finding revealed that the suspect died from an aneurysm.

Frequently there were long delays in completing coroner's inquiries, but findings eventually were made public. For instance, in July the coroner's court returned an "open" verdict in the 2006 police killing of Richard Gordon, and in August it made a finding of "accidental shooting" in the 2009 death of Hugh Springer, a bystander shot and killed by police. That report urged the police to use taser guns as a nonlethal means of controlling chaotic public disturbances.

The coroner's court received the files for the 2009 police killing of Denzil Headley and the 2007 police killing of Michael Davis, but inquest dates had not been set by year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices. Most complaints against the police alleged unprofessional conduct and beating or assault. Police occasionally were accused of beating suspects to obtain confessions, and suspects often recanted their confessions during their trial. In many cases the only evidence against the accused was a confession. Suspects and their family members continued to allege coercion by police, but there was no evidence of systematic police abuse.

On February 28, a Jamaican national claimed three officers raped her while she was detained at the Central Police Station on drug trafficking charges. Authorities arrested two of the accused officers, suspended them from the force, and brought charges against them. Released on bail, they awaited trial at year's end.

On March 14, another Jamaican national claimed she was sexually assaulted by a female immigration officer at the airport where she was detained after flying to the country. She said the alleged assault occurred when she was subjected to a cavity search while in custody. The parliamentary minister for immigration claimed that the accuser was denied entry for good reason and that no mistreatment occurred. However, officials from the two governments discussed the incident, and the investigation remained open at year's end.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards. Dodds Prison, built in 2007 in St. Philip, was designed to meet modern international standards with a capacity of approximately 1,250 prisoners. According to prison officials, in November it held 1,032 prisoners, including pretrial detainees. Although prisoners occasionally complained about the quality of the food, Dodds had a canteen program permitting family members to make deposits into inmate accounts, and inmates could purchase popular food, snacks, toiletries, and dry goods. Prisoners may submit complaints to the officer in charge. If that officer cannot resolve the problem, it is referred to the warden.

There were 36 female prisoners held in a separate wing. There were separate juvenile facilities for boys and girls.

A Cuban prisoner remained in prison even though he completed his 15-year sentence for drug trafficking in 2010. The government stated this was due to the Cuban government's denial of his repatriation request and that he will remain incarcerated until Cuba or a another country agrees to accept him. There were no immediate plans to release the prisoner into general society.

Authorities permitted reasonable access to visitors. Prisoners were permitted religious observance and could submit complaints to judicial authorities. The government allowed prison visits by independent human rights monitors.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and imprisonment, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The Royal Barbados Police Force (RBPF) is responsible for internal law enforcement. The small Barbados Defense Force (BDF) protects national security and may be called upon to maintain public order in times of crisis, emergency, or other specific need. The RBPF reports to the minister of home affairs, and the BDF reports to the minister of defense and security. Although the police largely were unarmed, special RBPF foot patrols in high-crime areas carried firearms. An armed special rapid-response unit continued to operate. The law provides that the police can request BDF assistance with special joint patrols.

Civilian authorities maintained effective control over the RBPF and the BDF, 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.—Police are authorized to arrest persons suspected of criminal activity; a warrant is typically required. The constitution permits detainees to be held without charge for up to five days; however, once charged, detainees must be brought before a court without unnecessary delay. There is a functioning bail system. Criminal detainees received prompt access to

counsel and were advised of that right immediately after arrest. Access to family members generally was permitted.

Police procedures provide that, except when expressly permitted by a senior divisional officer to do otherwise, the police may question suspects and other persons only at a police station. An officer must visit detainees at least once every three hours to inquire about the detainees' condition. After 24 hours the detaining authority must submit a written report to the deputy commissioner. The authorities must approve and record all movements of detainees between stations.

There were between 50 and 100 persons in pretrial detention at various times during the year. While length of pretrial detention may vary from one case to another, there were no reports of extended periods of pretrial detention or abuse of the practice.

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

Trial Procedures.—The constitution provides that persons charged with criminal offenses be given a fair public hearing without unnecessary delay by an independent, impartial court and a trial by jury. The government generally respected these rights in practice. Defendants have the right to be present and to consult with an attorney in a timely manner. The government provided free legal aid to the indigent in family matters, child support, serious criminal cases such as rape or murder, and all cases involving minors. Defendants are allowed to confront and question witnesses and present evidence on their own behalf. Defendants and their attorneys have access to government-held evidence relevant to their case. Defendants are presumed innocent until proven guilty and have the right of appeal.

The constitution and law 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.

Civil Judicial Procedures and Remedies.—Magistrate's courts have both civil and criminal jurisdiction, but the civil judicial system experienced heavy backlogs. Citizens can seek redress for human rights or other abuses through the civil system.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—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.

The government restricted the receipt and importation of foreign publications deemed to be pornographic.

Internet Freedom.—There were no government restrictions on access to the Internet or 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/rls/rpt/.

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

The government was prepared to cooperate with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees, asylum seekers, and other persons of concern.

Protection of Refugees.—Access to Asylum.—The government has not established a system for providing protection to refugees. The government did not grant refugee status or asylum during the year.

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

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

Elections and Political Participation.—Recent Elections.—In general elections held in 2008, the DLP, in opposition since 1994, defeated the Barbados Labour Party, led by then prime minister Owen Arthur. The DLP won 20 of the 30 seats in the parliament's House of Assembly, and DLP leader David Thompson became prime minister. Following Thompson's death in October 2010, the DLP parliamentary group selected Deputy Prime Minister Freundel Stuart to be prime minister. The next general election must be held by January 2013.

Participation of Women and Minorities.—Two cabinet members were female; there were three women in the House of Assembly. There were four women and three minorities in the 21-member appointed Senate.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively.

There is no law that subjects public officials to financial disclosure. Parliament's Public Accounts Committee and the auditor general conduct investigations of all government public accounts, which include ministries, departments, and statutory bodies.

There is no law providing citizens access to information held by the government. While access to information was provided on government Web sites, responses to requests for specific government information by citizens and other interested parties often were slow.

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

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

Government Human Rights Bodies.—The Ombudsman's Office hears complaints against government offices for alleged injuries or injustices resulting from administrative conduct. The governor general appoints the ombudsman on the recommendation of the prime minister in consultation with the leader of the opposition; Parliament must approve the appointment. The ombudsman submits annual reports to Parliament, which contain both recommendations on changes to laws and descriptions of actions taken by the Ombudsman's Office.

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

The constitution provides for equal treatment regardless of race, origin, political opinion, color, creed, or sex, and the government effectively enforced these provisions.

Women.—Rape and Domestic Violence.—The law criminalizes rape, including spousal rape, and the maximum penalty is life imprisonment. There were legal protections against spousal rape for women holding a court-issued divorce decree, separation order, or nonmolestation order. Authorities charged 145 persons with sex-related offenses during the year, compared with 112 in 2010. Charges were brought in 55 cases of rape, compared with 44 in 2010; 11 cases of sex with a minor, compared with 19 in 2010; and 53 cases of indecent assault, compared with 42 in 2010). Many cases were pending in the courts for months or years. Rape was underreported for fear of further violence, retribution, and societal stigma.

Violence and abuse against women continued to be significant social problems. The law prohibits domestic violence, provides protection to all members of the family, including men and children, and applies equally to marriages and to common-law relationships. Penalties depend on the severity of the charges and range from a fine for first-time offenders (unless the injury is serious) up to the death penalty for a killing. Victims may request restraining orders, which the courts often issued. The courts can sentence an offender to jail for breaching such an order. The police have a victim support unit, consisting of civilian volunteers, which offered assistance primarily to female victims of violent crimes.

There were public and private counseling services for victims of domestic violence, rape, and child abuse. There were programs to sensitize clergy who counsel abuse victims, to encourage hairdressers to identify domestic violence and direct women to seek expert assistance, to offer domestic violence awareness training for high

school students, and to prevent elder abuse for workers in geriatric hospitals. The Business and Professional Women's Club (BPW) operated a crisis center staffed by trained counselors and provided legal and medical referral services. The government provided some funding for a shelter for battered women, operated by nongovernmental organizations (NGOs) including the BPW, which accommodated up to 20 women plus their young children. The shelter offered the services of trained psychological counselors to victims of domestic violence.

The Bureau of Gender Affairs cited a lack of specific information and inadequate mechanisms for collecting and evaluating data on incidents of domestic violence as major impediments to tackling gender-based violence.

Sexual Harassment.—The law does not specifically address sexual harassment, which was a problem. There were no statistics available on the prevalence of sexual harassment cases. Media reports often indicated that women were afraid to report sexual harassment because they feared retribution in the workplace.

Reproductive Rights.—Couples and individuals had the right to decide the number, spacing, and timing of children, and had the information and means to do so free from discrimination. Skilled attendance at delivery and in postpartum care was widely available, as was access to information on contraception. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections.

Discrimination.—The Bureau of Gender Affairs in the Ministry of Family worked to ensure the rights of women. Women have equal property rights, including in a divorce settlement. Women actively participated in all aspects of national life and were well represented at all levels of the public and private sectors, although some discrimination persisted. According to the World Economic Forum's 2010 Global Gender Gap Report, women earned 26 percent less than men for comparable work. A government poverty eradication fund focused on encouraging entrepreneurial activities to increase employment for women and youth.

Children.—Birth Registration.—Citizenship is obtained by birth in the country and/or from one's parents. There was universal birth registration.

Child Abuse.—Violence and abuse against children remained serious problems. The Child Care Board has a mandate for the care and protection of children, which involved investigating daycare centers and cases of child abuse or child labor and providing counseling services, residential placement, and foster care. The Welfare Department offered counseling on a broad range of family-related issues, and the Child Care Board conducted counseling for child abuse victims.

Sexual Exploitation of Children.—The government does not have a policy framework to combat sexual exploitation of children. The Ministry of Family, Culture, Youth, and Sports acknowledged that child prostitution occurred; however, there was no research to document that problem. Pornography is illegal, but no information was available concerning specific prohibitions dealing with child pornography.

International Child Abduction.—The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information see the Department of State's report at http://travel.state.gov/abduction/country/country—3781.html.

Anti-Semitism.—The Jewish community was very small, and there were no reports of anti-Semitic acts.

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

Persons With Disabilities.—There are no laws that specifically prohibit discrimination against persons with disabilities in employment, education, or the provision of other state services, other than constitutional provisions asserting equality for all. In practice persons with disabilities faced some discrimination. The Ministry of Social Care, Constituency Empowerment, and Community Development operated a Disabilities Unit to address the concerns of persons with disabilities, but parents complained of added fees and transport difficulties for children with disabilities at public schools. Although persons with disabilities continued to face social stigma preventing them from fully participating in society, attitudes were slowly evolving. Persons with disabilities generally experienced hiring discrimination as well as difficulty in achieving economic independence.

The Barbados Council for the Disabled, the Barbados National Organization for the Disabled, and other NGOs indicated that access and transportation remained the primary challenges facing persons with disabilities. Many public areas lacked the necessary ramps, railings, parking, and bathroom adjustments to accommodate such persons, and affordable, reliable transportation for them remained elusive.

However, some measures were made to address transportation concerns through private transportation providers and disabled rights NGOs.

While no legislation mandates provision of accessibility to public thoroughfares or public or private buildings, the Town and Country Planning Department set provisions for all public buildings to include accessibility to persons with disabilities. As a result, most new buildings had ramps, reserved parking, and special sanitary facilities for such persons. The Barbados Council for the Disabled and other NGOs promoted and implemented sensitization and accessibility programs designed to help persons with disabilities enjoy the inclusion and services that other citizens enjoy.

The Disabilities Unit continued numerous programs for persons with disabilities, including Call-a-Ride and Dial-a-Ride public transportation programs, sensitization workshops for public transportation operators, inspections of public transportation vehicles, sign language education programs, integrated summer camps, and accessibility programs.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law criminalizes consensual same-sex sexual relations, and there are no laws that prohibit discrimination against a person on the basis of sexual orientation in employment, housing, education, or health care. Although statistics were unavailable, anecdotal evidence suggested that societal discrimination against gays and lesbians occurred. The issue gained national attention when a group of citizens claimed amnesty in Canada for fear of not being able to live openly as lesbian, gay, bisexual, or transgender persons. Responding to a call by U.K. Prime Minister Cameron for reform of anti-LGBT legislation, Attorney General Adriel Brathwaite declared the country's "position on homosexuality was not for sale and that its legislative agenda would be determined at home."

Other Societal Violence or Discrimination.—The government continued a large country-wide media campaign to discourage discrimination against HIV/AIDS-infected persons and others living with them. While there was no systematic discrimination, HIV/AIDS-infected persons did not commonly disclose the condition due to lack of social acceptance.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law allows workers to form and join unions and conduct legal strikes but does not specifically recognize the right to bargain collectively. The law does not obligate companies to recognize unions or to accept collective bargaining, and there is no specific law that prohibits antiunion discrimination. Although the courts provide a method of redress for employees alleging wrongful dismissal, they commonly awarded monetary compensation but rarely ordered reinstatement.

Labor laws cover all groups of workers, including migrants, public sector, domestic workers, and those in special trade zones, and the government generally enforced the laws effectively.

In practice workers faced some challenges in exercising freedom of association or bargaining collectively; however, their rights were generally respected. While both major political parties were originally formed from labor unions, worker organizations remained independent from government and political parties. In practice workers exercised the right to conduct legal strikes. All private sector employees are permitted to strike, but the law prohibits essential workers, such as police, firefighters, electricity, and water company employees, from engaging in strikes.

Although employers were under no legal obligation to recognize unions, most major employers did so when a significant percentage of their employees expressed a desire to be represented by a registered union. Smaller companies were often not unionized. In the past labor unions reported some companies, including some unspecified foreign firms, engaged in antiunion discrimination and unions complained to the Labor Ministry on a number of occasions about what they deemed antiunion activity by employers. However, the ministry did not receive any complaints of antiunion activity during the year.

Some unions noted that employers often refused to negotiate collective bargaining agreements with them, even if the union was recognized by the company. Negotiated protocols contained provisions for increases in basic wages and increases based on productivity. On May 5, representatives from labor, government, and the private sector signed a sixth such protocol, which will expire in 2013. The Social Partnership Agreement provides for monthly meetings of labor, management, and government representatives. Chaired by the prime minister or the minister responsible for labor affairs, it plays a significant role in setting parameters and maintaining harmonious workplace relations.

b. Prohibition of Forced or Compulsory Labor.—The constitution prohibits all forms of forced or compulsory labor, and the government generally enforced such 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 provides for a minimum working age of 16 for certain sectors but does not cover sectors such as agriculture. Compulsory primary and secondary education policies reinforced minimum age requirements. The law prohibits children under the age of 18 from engaging in work likely to harm their heath, safety, or morals but does not specifically note which occupations fall under this prohibition. The law prohibits the employment of children of compulsory school age (through age 16) during school hours. The law also prevents young people from night work (after 6:00 p.m.). These laws were effectively enforced. The Labor Department had a small cadre of labor inspectors who conducted spot investigations of enterprises and checked records to verify compliance with the law. These inspectors may take legal action against an employer who is found employing underage workers. Child labor laws were generally observed in practice. According to the chief labor inspector, no underage employment cases were filed during the past few years.

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 provides for, and the authorities established, minimum wage rates for household domestics and shop assistants. The minimum wage for these employees was BDS$5 ($2.50) per hour. The Ministry of Labor recommended companies in all other sectors use this as the de facto minimum wage.

The standard legal workweek is 40 hours in five days, and the law provides employees with three weeks of paid holiday for the first four years of service and four weeks' holiday after five years of service. An employee's length of service is linked to the anniversary of the commencement date with current employer. The law requires overtime payment of time and one-half for hours worked in excess and prescribes that all overtime must be voluntary.

The 2005 Occupational Safety and Health at Work Act was never promulgated into law, as it was passed at the end of the previous administration and was still under review at year's end; previous occupational health and safety laws still applied. The law requires that in certain sectors, firms employing more than 50 workers create a safety committee that could challenge the decisions of management concerning the occupational safety and health environment. Workers had the right to remove themselves from dangerous or hazardous job situations without jeopardizing their continued employment.

The Ministry of Labor did not identify any specific group of workers that were subject to hazardous or exploitive working conditions. According to the ministry, labor laws apply to all workers and are enforced across the board. However, foreign workers in high risk sectors such as domestic service, agriculture, or construction may not be aware of their rights and protections under the law.

The Labor Department within the Ministry of Labor is charged with enforcing the minimum wage as well as work hours and did so effectively. In practice the prevailing wage on the island was higher than the legal minimum wage. However, there were occasional press reports alleging that migrant workers received less than the minimum wage. That department also enforced health and safety standards and in most cases followed up to ensure that management corrected problems cited. A group of 10 safety and health inspectors helped enforce regulations, and nine labor officers handled labor law violations. All groups of workers were covered under these laws, although unions expressed concern that domestic workers were sometimes forced to work in unacceptable conditions.

Penalties used by the Ministry of Labor include fines, imprisonment, or a combination of the two. However, the ministry reported that it has historically relied on education, consensus building, and moral persuasion rather than penalties to correct labor law violations.

The ministry used routine inspections, accident investigations, and union membership surveys to prevent labor violations and ensure that wages and working conditions met national standards. The ministry delivered presentations to workers to inform them of their labor rights and provided education and awareness workshops for employers.

The Labor Department's Health and Safety Inspection Unit conducted several routine annual inspections of government-operated corporations and manufacturing plants, with no serious problems noted. However, the construction and hospitality

sectors were mentioned as problem areas due to the frequency and severity of worksite accidents. Three people died in the course of their employment during the year, and there were no major industrial accidents. Office environments also received additional attention from the ministry due to indoor air quality concerns. Civic organizations such as the Barbados Employer's Confederation worked closely with the government to ensure worker safety was protected despite the nonimplementation of the 2005 law. Trade union monitors identified safety problems for government health and safety inspectors to ensure the enforcement of safety and health regulations and effective correction by management.

BELIZE

EXECUTIVE SUMMARY

Belize is a constitutional parliamentary democracy. In February 2008 Prime Minister Dean Barrow's United Democratic Party (UDP) won 25 of the 31 seats in the House of Representatives following generally free and fair multiparty elections. There were instances in which elements of the security forces acted independently of civilian control.

The most important human rights abuse documented during the year was the use of excessive force by security forces.

Other human rights problems included lengthy pretrial detention, domestic violence, discrimination against women, sexual abuse of children, trafficking in persons, discrimination based on sexual orientation, and child labor.

In some cases the government took steps to prosecute officials who committed abuses, both administratively and through the courts, but successful prosecutions generally were limited in number and tended to involve less severe infractions.

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. In contrast with 2010, there were no reports or allegations that security forces committed arbitrary or unlawful killings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits torture or other inhuman punishment, but there were reports that police used excessive force.

The government occasionally ignored reports of abuses, withheld action until the case had faded from the public's attention, failed to take punitive action, or transferred accused officers to other districts.

During the year the Belize Police Department's (BPD) Professional Standards Branch received 238 formal complaints of alleged police misconduct. During the same period, the BPD held 14 officers on interdiction (suspension with half salary) and one on suspension (with salary). The 14 officers on interdiction were alleged to have committed a combination of criminal and disciplinary charges. The ombudsman reported receiving 99 complaints against the police department and its personnel, of which 39 percent were categorized as complaints for brutality, 18 percent as complaints of harassment, and 17 percent as complaints for abuse of power.

The ombudsman had difficulties receiving information from the BPD regarding allegations made against the BPD. The ombudsman often encountered resistance from the police when trying to obtain medical legal forms describing injuries of those detained. The BPD's response rate to letters of inquiry from the ombudsman was approximately 35 percent, according to the ombudsman. The BPD explained that if petitioners did not file their complaints with the BPD Professional Standards Branch, the matter would not be investigated.

On August 29, the BPD's Gang Suppression Unit reportedly used excessive force after the funeral of a murder victim who allegedly had gang member associates. The media reported that bystanders were injured and that police used pepper spray, rubber bullets, and a baseball bat. The media reported several other incidents of police using excessive force, including incidents involving the suppression unit.

At year's end the case of a Belize City Police inspector, charged with attempted murder and dangerous harm in an April 2010 shooting that left a person partially paralyzed, was pending in the Supreme Court. The civil suit filed by the victim against the BPD also was pending.

Prison and Detention Center Conditions.—Despite improvements over the last several years, prison conditions did not meet all international standards. Belize Central Prison, the country's only prison, was administered by a local nonprofit organiza-

tion, but the government retained overall oversight and monitoring responsibility for management of the prison.

In October the prison held a total of 1,391 inmates, of whom 38 were women, 60 juveniles, and 450 on remand. Prison capacity is approximately 1,750.

The regular prison population lived in cells accommodating approximately four to six persons. Prisoners on remand lived in a facility with approximately three to four persons per cell. Some prisoners in the maximum-security section also were held in the remand facility, usually with only one inmate per cell. Prison officials used isolation in a small, unlit, unventilated punishment cell, called a "reflection room," to discipline inmates in the youth section. Inmates had access to potable water.

Prison officials held women and men in separate facilities. The women's facility was located 200 yards outside the main compound. Conditions in the women's area were significantly better than in the men's compound. There were no female juveniles housed in the Belize Central Prison during the year.

Male juveniles, both on remand and convicted, were held separately in a dormitory at the Wagner Youth Facility within the prison compound. Some were convicted of murder, and many were gang members.

There were no reported cases of abuse or excessive force by prison officials. Through October there were approximately 100 incidents of inmate-on-inmate violence ranging from minor fights to serious assaults.

Inmates had daily access to visitors, and the government did not restrict religious observance. A full-time chaplain coordinated visits by ministers from different denominations. The prison had a hall where church services took place.

The Ombudsman Act authorizes inmates to make complaints to the Ombudsman's Office through prison authorities; however, inmates and their family members tended to submit such complaints directly to the ombudsman and did so without censorship. The ombudsman visited the prison in October. Prison authorities also permitted independent visits from independent human rights observers.

After assuming prison operations in 2002, the Kolbe Foundation began making significant improvements in security as well as conditions for inmates. The Kolbe Foundation built rehabilitation and education centers, initiated a program to separate members of rival gangs to reduce inmate-on-inmate violence, and overhauled training to improve security, address proper treatment of inmates, and minimize petty corruption. During the year the prison operator continued to increase staff training, improved the perimeter fence for better security, improved its program to confiscate prohibited items such as mobile phones and marijuana, and made progress separating members of rival gangs. According to prison officials, the prison experienced a record low of two escaped prisoners. Also during the year, prison authorities seized 20 pounds of marijuana, 140 cell phones, and 200 handmade weapons in the prison.

d. Arbitrary Arrest or Detention.—Although the constitution and law prohibit arbitrary arrest and detention, there were occasional charges that the government failed to observe these prohibitions.

Role of the Police and Security Apparatus.—The Ministry of Defense and Immigration supervises the Belize Defense Force (BDF) as well as the Immigration Department. The Ministry of Police and Public Security supervises the BPD. Although primarily charged with external security, the BDF also provides domestic security support to civilian authorities. BDF soldiers frequently worked alongside police officers, particularly in Belize City. BDF personnel assisting police have limited powers of arrest; police take the lead when making arrests. Low pay for security officers and corruption remained problems. There were no reported cases of impunity for security force members for major crimes.

In August the government reformed the police's Internal Affairs Department by adding an Independent Complaints Commission to oversee the Professional Standards Branch (PSB) and expanding the complaint filing procedure. The commission is comprised of five community representatives, none of whom are police officers. The PSB is headed by a superintendant of police, supported by seven officers. It is responsible for investigating allegations made against the police. Previously the public filed complaints directly with the PSB, which has an office in Belize City and another in Belmopan; with the change complainants could go to the PSB or directly to any local police station.

Arrest Procedures and Treatment While in Detention.—Police must obtain search or arrest warrants issued by a magistrate, except in cases of hot pursuit, when there is probable cause, or when the presence of a firearm is suspected. The law requires police to inform a detainee in writing of the cause of detention within 48 hours of arrest and bring the person before a magistrate to receive official charges within a reasonable time (normally 24 hours). In practice the BPD faced allegations that

its members arbitrarily detained persons, did not take detainees to a police station in the required manner, and used detention as a means of intimidation. During the year the government proposed draft legislation that would allow for preventive detention but withdrew it after public opposition.

In August Glenn Tillett accused the BPD of wrongfully detaining him in connection with a robbery allegedly committed by a relative of Tillett at a foreign embassy in Belmopan. Tillett reported that police took him from his home, detained him for a prolonged period, and denied him needed medical attention before releasing him without charge.

The law requires police to follow the Judges' Rules, a code of conduct governing police interaction with arrested persons. Although judges sometimes dismissed cases in violation of the Judges' Rules, they more commonly deemed confessions obtained through violation of these rules to be invalid. Judges usually granted detainees timely access to family members and lawyers, although there were occasional complaints that inmates were denied access or a telephone call after arrest.

Persons charged with minor offenses are eligible for bail, but persons charged with prescribed crimes, such as murder, gang activity, and specified drug-trafficking or sexual offenses must apply to the Supreme Court for bail.

Case backlogs in the docket often caused considerable delays and postponement of hearings, occasionally resulting in prolonged pretrial detention. The time lag between arrests, trials, and convictions ranged from eight months to two years.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice. Persons have the right to bring legal actions for alleged violations of rights protected under the constitution, regardless of whether there is also implementing legislation.

Trial Procedures.—The law provides for all citizens the right to a fair trial, and an independent judiciary generally enforced these rights. Decisions and judgments for lesser crimes are generally issued by a magistrate after deliberating on the arguments presented by the prosecution and defense.

Legislation passed in August stipulates that nonjury trials are mandatory for trials relating to murder, attempt to murder, abetment of murder, and conspiracy to commit murder. These cases are to be tried before a Supreme Court judge sitting alone. The legislation was passed despite public opposition by individuals, legal practitioners, and human rights activists. It was scheduled to enter into effect in 2012.

Defendants enjoy a presumption of innocence and have the right to defense by counsel, a public trial, and appeal. Defendants also have the right to be present at their trial unless the court determines that the opposing party has a substantiated fear for his/her safety, in which case the court can grant interim provisions that both parties be addressed individually.

A Legal Aid and Advice Center, staffed by one attorney, provides legal services in civil and minor criminal cases in various courts including the magistrate courts, Family Court, and Supreme Court. The Supreme Court's registrar has the responsibility of appointing an attorney to act on behalf of indigent defendants charged with murder.

The constitution and law allow defendants to confront and question witnesses against them and to present witnesses on their behalf. Defendants have the right to produce evidence in their defense and examine evidence held by the opposing party or the court.

Lengthy trial backlogs remained during the year. Judges often were slow to issue rulings, sometimes taking a year or longer. The rate of acquittals and cases withdrawn by the prosecution due to insufficient evidence and/or witnesses continued to be high, particularly for murder and gang-related cases, often due to failure of witnesses to testify because of fear for life and personal safety. A 2010 law allows written statements by witnesses to be admitted into evidence in place of court appearances, which led judges to require a high degree of proof prior to admitting such statements.

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

Civil Judicial Procedures and Remedies.—Citizens may seek civil remedies for human rights violations. Most civil suits are heard in the Supreme Court, but the magistrates' courts have jurisdiction over civil cases involving sums of less than BZ$5,000 ($2,500). In addition to civil cases, the Supreme Court has jurisdiction over cases involving human rights issues. The backlog of civil cases in the Supreme Court was significant and increased during the year.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and government authorities 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. The constitution, however, permits authorities to forbid any citizen from questioning the validity of financial disclosure statements submitted by public officials. Anyone who questions these statements orally or in writing outside a rigidly prescribed procedure is subject to a fine of up to BZ$5,000 ($2,500), imprisonment of up to three years, or both. There were no reports that this prohibition was invoked during the year.

Internet Freedom.—There were few government restrictions on access to the Internet and no 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 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 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 laws provide for the granting of asylum or refugee status, but the government has not established a system for providing protection to refugees. The nongovernmental organization (NGO) Help for Progress, the UNHCR's implementing partner in the country, assisted with refugee and asylum cases. The Immigration and Nationality Department handles individual cases but has not issued refugee permits in almost 15 years.

The Immigration Department worked with Help for Progress to determine eligibility for persons claiming refugee status or asylum. Help for Progress reduced its outreach work with immigration officials working on the border and its prison visits because of human resource constraints and budget cuts. The NGO reported an increase in asylum seekers who claimed to be victims of, or threatened by, gangs and organized crime, primarily from El Salvador and Guatemala. Help for Progress also operated a government-subsidized shelter for asylum applicants and refugees. The Immigration Department generally offers renewable special residency permits for periods of 60 to 90 days to asylum seekers with the possibility of permanent residency and citizenship after extensive stays.

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

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held by secret ballot and based on universal suffrage for all citizens age 18 and older.

Elections and Political Participation.—Recent Elections.—In February 2008 the UDP obtained a parliamentary majority in generally free and fair elections.

Participation of Women and Minorities.—There were five women, among them the president, in the 12-member appointed Senate, but there were no women in the 31-seat elected House of Representatives. Mestizo, Creole, Maya, Garifuna, Mennonite, and other minority and immigrant groups participated in the National Assembly and at high levels of government.

There were no elected women in the national parliament and no female ministers, although there were several deputy ministers (known as chief executive officers). In March the National Women's Commission launched a collaborative initiative to ex-

plore ways to increase the participation of women at the highest level of decision making.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but there were no successful prosecutions on that charge. The World Bank's worldwide governance indicators reflected that corruption continued to be a problem.

From July through November, the media occasionally reported the claim of several NGOs that the Forest Department in the Ministry of Natural Resources and Environment was ignoring or facilitating the illegal trade of rosewood.

In November an employee of the San Pedro Magistrate's Court was charged with five counts of forgery. At year's end the employee was in detention awaiting trial.

In December the media reported that on November 16, at the Benque Viejo border crossing with Guatemala, two foreigners alleged that immigration officials extorted 10,000 Mexican pesos (approximately $715) from them and sexually harassed one of them. The Ministry of Defense and Immigration declared that it had initiated an internal investigation.

On December 22, the media reported a leaked internal memo from state-run Karl Heusner Memorial Hospital that alleged corrupt hiring and procurement practices.

In July, in the case involving six immigration officials charged in October 2010 with offenses relating to the transit of 33 Chinese nationals through the country, a magistrate ruled during a preliminary inquiry that there was insufficient evidence to proceed with prosecution. The Prosecutor's Office indicated its intention to reinstitute charges once the police completed further investigations, but at year's end the case remained under investigation and had not resulted in new charges.

At year's end four police officers arrested in November 2010 on drug charges remained on interdiction but were free on bail and awaiting trial.

The Prevention of Corruption in Public Life Act requires public officials to submit annual financial statements, which are reviewed by the Integrity Commission. The commission was not active throughout the year.

The law provides for public access to documents of a ministry or prescribed authority upon written request, although it protects a number of categories, such as documents from the courts or those related to national security, defense, or foreign relations. The government must supply to the Office of the Ombudsman a written reason for any denial of access, the name of the person making the decision, and information on the right to appeal.

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

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

Government Human Rights Bodies.—The ombudsman, although appointed by the government, acts as an independent check on governmental abuses. The Office of the Ombudsman holds a range of procedural and investigative powers, including the right to enter any premise to gather documentation and the right to summon persons. However, the office operated under staffing and financial constraints. The ombudsman reported an inability to complete her required annual report in 2009 and 2010. Similarly, the Human Rights Commission, an independent, volunteer-based government agency, continued to operate but only on an ad hoc basis and was constrained by funding and staffing limitations.

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

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions.

Women.—Rape and Domestic Violence.—The criminal code criminalizes rape, including spousal rape. The code states that a person convicted of rape or marital rape shall be sentenced to imprisonment of eight years to life, although in practice sentences were sometimes much lighter. Generally, challenges to the wider justice system resulted in poor conviction rates for rape offenses. A number of cases resulted in acquittals or discontinuance because the accusing party dropped the charges or refused to testify at trial (see section 1.e., Trial Procedures). In many instances the failure to proceed with a case was caused by the victim's fear for personal safety. The BPD reported that incidences of rape increased to 27 cases while the number of arrests decreased to 14 during the year, compared with 21 cases reported and 16 arrests in 2010. Underreporting of rape was likely due to perceived inefficiencies in the police and judicial systems as well as fear of further violence, retribution, and social stigma.

Domestic violence is frequently prosecuted with charges such as "harm," "wounding," "grievous harm," rape, and marital rape. Police, prosecutors, and judges recognize both physical violence and mental injury. Penalties include fines or imprisonment for violations; the level of fine or length of sentence depends on the crime. The law empowers the Family Court to issue protection orders against accused offenders. Persons who may apply for protection orders against domestic violence include de facto spouses or persons in visiting relations. Protection orders may remain in place for up to three years and may include a requirement for child maintenance where applicable.

The Women's Department continued its program of "gender sensitization," as well as its campaign against gender-based and domestic violence. The department also continued a batterers' intervention and prevention program for men who are abusive to women. It received referrals from both the criminal and civil courts.

In August the Women's Department, Ministry of Health, and Pan American Health Organization hosted a national consultation workshop to evaluate the system in which service providers identify and refer victims and record and report cases of gender-based violence.

During the year a male police officer from the Domestic Violence Unit of the Police Department undertook training in Canada with support of the Women's Department.

Despite these efforts domestic violence against women remained a significant problem; information regarding the number of cases during the year was not available. Domestic violence likely was most prevalent in the Belize District, which includes Belize City. There were two women's shelters in the country (with a total of 18 beds) that offered short-term housing.

Although sexual harassment legislation exists, the legal framework remained unchanged and, according to the Women's Department, was largely ineffective, since the fear of dismissal without compensation remained a major deterrence to filing complaints.

In January an assistant commissioner of police was investigated for sexually assaulting a female officer. The officer ranked third in command at the Belize Police Department and had served for 26 years. The PSB investigated the case before transferring it to the Director of Public Prosecution. At year's end the case was concluded as the complainant requested no further action.

In July police began an investigation of a police constable who was suspected of "carnal knowledge" (statutory rape) of a 13-year-old girl who subsequently became pregnant.

On December 21, the media reported that Supreme Court Justice Denis Hanomansingh ruled that a 36-year-old man accused of "carnal knowledge" of a 14-year-old girl must marry the girl to receive bail.

Reproductive Rights.—Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, and they had the information and means to do so free from discrimination, coercion, and violence. Programs undertaken by the Ministry of Health and the Belize Family Life Association provided information and access to family planning and reproductive health services; skilled personnel attended 95 percent of births. Contraceptive use for married women was estimated to be 34 percent.

Discrimination.—Despite legal provisions for gender equality, the media continued to report that women faced social and economic discrimination. The Labour (Amendment) Act, 2011, was enacted during the year. The act provides generally for the continuity of employment and protection against unfair dismissal, including for sexual harassment in the work place or by the employer or another employee. It also addresses procedures for the termination of contract and establishes a labor complaints tribunal.

There were no legal impediments to women owning or managing land or other real property. Despite participating in all spheres of national life, women held relatively few top managerial positions. Although the law mandates equal pay for equal work, women earned 45 percent less than men did for similar or equal work and experienced a more rapidly increasing unemployment rate than men. Fifty percent of women participated in the labor force, compared with 83 percent of men.

The Women's Department under the Ministry of Human Development and Social Transformation is responsible for programs to improve the status of women. A number of NGOs focused on women's issues also worked closely with various government ministries to promote social awareness programs relating to gender equality.

Children.—Birth Registration.—Citizenship is derived by birth within the country's territory, regardless of the nationality of the parents. Citizenship may also be acquired by descent if at least one parent is a citizen of the country; however, citi-

zenship by descent is not automatic for a child born outside the country. The law requires the registration of the birth of children within 42 days of birth. In February UNICEF, in coordination with relevant government agencies, launched a campaign targeting unregistered children under the age of 18 with the goal of achieving 100 percent registration.

Child Abuse.—There was no data available regarding the number of cases reported during the year of domestic violence and cases of sexual abuse against children under 14. From January through June 2010, there were 81 cases of domestic violence against children under age 14 and 18 cases of sexual abuse against children under age 14. In many cases the government was unable to prosecute individuals for such abuse because the victims or their families were reluctant to press charges.

The law allows authorities to remove a child from an abusive home environment and requires parents to maintain and support children until the age of 18.

The Family Services Division in the Ministry of Human Development and Social Transformation is the government office with the lead responsibility for children's issues. The division coordinated programs for children who were victims of domestic violence, advocated remedies in specific cases before the Family Court, conducted public education campaigns, investigated cases of trafficking in children, and worked with local and international NGOs and UNICEF to promote children's welfare.

Sexual Exploitation of Children.—The legal age for consensual sex is 16. "Carnal knowledge" of a female child under the age of 14, with or without her consent, is an offense punishable by 12 years' to life imprisonment. Unlawful carnal knowledge of a girl who is 14 to 16 is an offense punishable by five to 10 years' imprisonment.

There were reports that children of both sexes were involved in prostitution, including sex tourism. Paid sex with a 16- or 17-year-old is a crime. The law criminalizes the procurement or attempted procurement of unlawful carnal knowledge with a female who is under the age of 18 and who is not a common prostitute or of "known immoral character"; an offender is liable to five years' imprisonment.

The criminal code establishes a penalty of two years' imprisonment for persons convicted of publishing or offering for sale any obscene book, writing, or representation.

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. There were fewer than 10 members in 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.—Although the law does not expressly prohibit discrimination against persons with physical and mental disabilities, the constitution provides for the protection of all citizens from any type of discrimination. The law does not provide for accessibility for persons with disabilities.

Informal government-organized committees for persons with disabilities were tasked with public education and enforcing protection. Private companies and NGOs provided services to persons with disabilities. The Ministry of Education maintained an educational unit offering limited special education programs within the regular school system. There were two schools and four special education centers for children with disabilities.

The prime minister's wife continued advocacy campaigns on behalf of persons with disabilities, partnered with CARE-Belize to promote schools that made efforts to create inclusive environments for persons with disabilities, and proposed a program for Belize City to support children with disabilities. In November construction started on a mental health day-care resource center in Belize City to facilitate social support and training for income generation of the homeless and people with mental health problems as well as provide daily meals, medical referrals, and recreation activities for beneficiaries.

Indigenous People.—Among the country's indigenous population, the Mopan and Kekchi historically have been characterized under the general term Maya, although self-proclaimed leaders more recently asserted that they should be identified as the Masenal (common people). The Maya Leaders' Alliance, which comprised the Toledo Maya Cultural Council, Kekchi Council of Belize, Toledo Alcaldes Association, and Toledo Maya Women's Council, monitored development in the Toledo District with the goal of protecting Mayan land and culture.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law does not protect sexual orientation or gender identity. The criminal code states that "carnal intercourse" with any person "against the

order of nature" shall receive a punishment of 10 years' imprisonment. In practice the law was interpreted as including only sex between men.

The extent of discrimination based on sexual orientation was difficult to ascertain due to lack of reporting instances of discrimination through official channels.

United Belize Advocacy Movement (UNIBAM), the country's sole lesbian, gay, bisexual, and transgender advocacy organization, reported that continuing harassment and insults by the general public and police affected its activities, but its members were reluctant to file complaints. There were no gay pride marches organized during the year due to UNIBAM membership concerns over the public's possible adverse reaction. UNIBAM challenged the law on "carnal intercourse" as unconstitutional. The case was scheduled to be heard before the Supreme Court on December 4 but was postponed to January 2012.

Other Societal Violence or Discrimination.—There was some societal discrimination against persons with HIV/AIDS, and the government worked to combat it through the public education efforts of the National AIDS Commission under the Ministry of Human Development. NGOs such as the Pan American Social Marketing Organization also actively countered discrimination against persons with HIV/AIDS. The Labour (Amendment) Act, 2011, enacted during the year, provides for the protection against unfair dismissal, including for HIV status.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law generally protects workers' right to establish and join trade unions, conduct legal strikes, and bargain collectively. The law also prohibits antiunion discrimination and protects against dissolution or suspension of unions by administrative authority. The Ministry of Labor recognizes unions and employers associations after they are registered, and the law establishes procedures for the registration and status of trade unions and employers organizations and for collective bargaining.

Strikes or other actions are not prohibited in general, even for essential services, but the law allows authorities to refer disputes involving public and private sector employees who provide "essential services" to compulsory arbitration, prohibit strikes, and terminate actions. The national fire service, postal service, monetary and financial services, civil aviation and airport security services, and port authority pilots and security services are deemed essential services.

In general the government effectively enforced applicable laws without lengthy delays and appeals. Workers can file complaints with the ministry's Labor Department or seek redress from the courts, but it was generally difficult to prove that a termination was due to union activity. The law provides for reinstatement for workers fired for union activity, although in practice the courts provided monetary compensation as opposed to reinstatement.

Unions were independent of government and political parties. There were no reports of government interference in union activities.

b. Prohibition of Forced or Compulsory Labor.—The constitution prohibits forced or compulsory labor. The government effectively enforced these provisions in general, although there were some reports of forced or compulsory 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 the employment of children under age 14. Persons ages 14 to 18 may be employed only in an occupation that a labor officer has determined is "not injurious to the moral or physical development of nonadults." Children under age 16 are excluded from work in factories, and those under age 18 are excluded from working at night or in certain kinds of employment deemed dangerous. The National Child Labor Policy, enforced by the Department of Labor and the National Commission for Families and Children, contains a list of hazardous occupations for young workers.

The law permits children to work on family farms and in family-run businesses. National legislation does not address a situation in which child labor is contracted between a parent and the employer. The National Child Labor Policy distinguishes between children engaged in work that is beneficial to their development and those engaged in the worst forms of child labor. The policy identifies children involved in the worst forms of child labor as those engaged in hazardous work, trafficking and child slavery, commercial sexual activities, and illicit activities.

The Department of Labor has primary responsibility for implementing labor policies and enforcing labor laws but had limited resources to investigate complaints. Inspectors from the labor and education departments are responsible for enforcing these regulations. The penalty for employing a child below minimum age is a fine

not exceeding BZ$20 ($10) or imprisonment not exceeding two months. On a second offense, a fine not exceeding BZ$50 ($25) or imprisonment not exceeding four months is stipulated. There was no information on whether child labor laws were well enforced. There is also a National Child Labor Committee under the National Committee for Families and Children that advocates for policies and legislation to protect children and eliminate child labor.

In November the government, in collaboration with UNICEF, hosted the first State of the Nation Children's Conference. In October the government, in collaboration with the prime minister's wife, hosted a workshop for persons working in the tourism industry to examine sex tourism. The workshop built on the National Symposium on the Commercial Sexual Exploitation of Children, which the government held in August.

Children were engaged in the worst forms of child labor in rural areas, and they often worked on family plots and family businesses after school, on weekends, and during vacations. There also were reports that children of migrant workers helped their parents during the harvest period to increase family income. In addition children in urban areas worked shining shoes and as street vendors.

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 BZ$3.10 ($1.55) per hour. A full-time worker receiving the minimum wage earned between one and one-half and two times the poverty-limit income, depending on the district. The law sets the workweek at no more than six days or 45 hours and requires premium payment for overtime work. Workers are entitled to two working weeks' paid annual holiday. Additionally, there are 13 days designated as public and bank holidays. Employees who work on public and bank holidays are entitled to pay at time and a half except for Good Friday and Christmas, which are paid at twice the normal rate.

Several different health and safety regulations cover numerous industries. The law, which applies to all sectors, prescribes that the employer must take "reasonable care" for the safety of employees in the course of their employment. The law further states that every employer who provides or arranges accommodation for workers to reside at or in the vicinity of a place of employment shall provide and maintain sufficient and hygienic housing accommodations, a sufficient supply of wholesome water, and sufficient and proper sanitary arrangements. Workers have the legal right to leave a dangerous workplace situation without jeopardy to continued employment.

The Ministry of Labor enforced the minimum wage and health and safety regulations to varying degrees. The ministry's Department of Labor had 23 labor officers in 10 offices throughout the country. Fines vary according to the infraction but generally are not very high. It was unclear whether penalties served as a deterrent. During the year the department addressed discrimination based on HIV in the workplace by publishing a pamphlet, making public service announcements on television, and holding a workshop for employers.

The minimum wage was generally respected in practice. Nevertheless, anecdotal evidence from NGOs and employers suggested that undocumented Central American workers, particularly young service workers and agricultural laborers, were regularly paid below the minimum wage.

BOLIVIA

EXECUTIVE SUMMARY

Bolivia is a constitutional, multiparty republic. In December 2009, in a process deemed free and fair by international observers, citizens reelected Evo Morales Ayma, leader of the Movement toward Socialism (MAS) party, as president. Security forces reported to civilian authorities.

The principal human rights problems reported were arbitrary or unlawful deprivation of life, arbitrary arrest or detention, and denial of fair public trial.

Other human rights problems included harsh prison conditions, official corruption, lack of government transparency, violence and discrimination against women, and trafficking in persons.

The government took steps in some cases 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 was one report that the government or its agents committed arbitrary or unlawful killings during the year. On February 11, Sublieutenant Grover Poma Guanto died two days after being beaten at the Condores of Bolivia School in Sanandita. Sublieutenants Jorge Castro Urena, Rudy Gerardo Flores Herrera, Franz Eduardo Garcia, and Roberto Roya Velasquez were charged with the killing. Initially the case was heard by military courts, but it was transferred to the ordinary justice system for trial. The military courts appealed to the constitutional tribunal to maintain jurisdiction, but the case had not been heard by year's end.

In the May 2010 case of Bolivian National Police (BNP) officers who allegedly killed two youths and injured 29 in the La Paz departmental town of Caranavi, the Prosecutor's Office presented charges against five officers: Colonel Roberto Torrez, Colonel Carlos Saravia, Commander Julio Cruz, Commander Americo Romero, and Commander Rolando Ramos. The lawyer for the victims, Jorge Quiroz, attempted to charge an additional eight officers in the case; he complained that, while the cases against the protesters were moving swiftly, the charges against the police were progressing very slowly and continued under investigation. After Quiroz accepted the case, the government charged him with defamation after raising other potential charges (pimping and drug trafficking) in 2010.

The May 2010 case involving community members who captured and then reportedly tortured and executed four police officers in the town of Uncia, Potosi Department, was moved to the city of Potosi for trial. Five suspects were accused of the killing, although at year's end only three had been arrested. The investigation phase of the case was completed.

In connection with the July 2010 case in which El Alto resident David Olorio Apaza was allegedly tortured and killed while in BNP custody, police lieutenants Ronald Saravia and Cristian Vargas were being held in preventive detention. The case was under investigation at year's end.

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

In the February 2010 case in which the Armed Forces commander in chief denied a civilian investigator access to archived reports of approximately 150 persons "disappeared" during the 1970s and 1980s, the Supreme Court ordered the documents declassified in April 2010. By year's end they had not been released.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and laws prohibit such practices, but there was one report that government officials employed them during the year.

On August 5, Jose Cantoral and three other Peruvians were arrested on terrorism charges. Cantoral was held in detention for 22 days without due process or access to a lawyer while the government determined his refugee status. The three others were extradited to Peru. According to the country's Permanent Assembly of Human Rights and the U.N. high commissioner for refugees, Cantoral was subjected to psychological and physical torture. On December 6, he was released from house arrest while the investigation continued.

The March 2010 case in which six police officers of the Special Tactical Crime Investigation Group in Cochabamba reportedly tortured a Colombian citizen was closed without a trial, and the charges dropped in January.

In the April 2010 case of Justo Romero Limon, who alleged he was tortured for four hours by persons who he claimed were BNP members, the Prosecutor's Office was unable to identify the police officers allegedly involved, and at year's end the case remained open.

Prison and Detention Center Conditions.—Prison conditions were harsh. Prisons and detention centers were overcrowded and in poor condition. There were 9,130 inmates in facilities designed to hold 4,700. Pretrial detainees were often held in the same areas as convicted criminals. Corruption was a problem among low-ranking and poorly paid guards and prison wardens. Prisoners had access to potable water, but the standard prison diet was insufficient, and prisoners who could afford to do so supplemented rations by buying food. The law provides that prisoners have access to medical care, but care was inadequate, and it was difficult for prisoners to obtain permission for outside medical treatment A prisoner's wealth often determined cell size, visiting privileges, day-pass eligibility, and place and length of confinement.

Violence among prisoners remained a problem. According to the Therapy and Research Institute, there were many claims of abuse within detention centers before arrestees were sent to prisons. According to the ombudsman, in some prisons inmates were forced to pay other inmates a "life insurance" fee of 3,500 to 10,500

bolivianos (approximately $500 to $1,500). Until they paid this fee, they were often beaten and tortured by other inmates.

There were separate prisons for women, except for Morros Blancos Prison in Tarija, where men and women shared facilities. Sleeping quarters were segregated, but the population comingled daily. Conditions for female inmates were similar to those for men; however, overcrowding at the San Sebastian women's prison in Cochabamba was worse than in most prisons for men.

According to Ministry of Government officials, 1,000 convicted juveniles (ages 16 to 21) were not segregated from adult prisoners in jails. Adult inmates reportedly abused juvenile prisoners. Four convicted female juveniles were serving their sentences in the Center for Women's Therapy Counseling, a women's shelter in La Paz, partially segregated from the abuse victims. Rehabilitation programs for juveniles or other prisoners were scarce. Pretrial detainees were held with convicted prisoners.

Although the law permits children up to the age of six to live with an incarcerated parent, children as old as 12 lived with their parents in prisons. According to the human rights ombudsman, 1,487 children lived with a parent in prison, usually their mother. The number sometimes doubled during school vacations.

Prison detainees had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners to submit complaints periodically to a commission of district judges to investigate. However, inmates frequently did not submit complaints of abuses because they feared retaliation by prison authorities.

The government generally permitted prison visits by independent nongovernmental observers, judges, and media representatives, and such visits took place during the year.

On February 22, a prison for juveniles designed to hold up to 150 detainees was opened with financing from a foreign nongovernmental organization (NGO).

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, but in some cases security forces seized and held individuals under legally questionable circumstances.

On September 7, former Central Bank president (1995-2006) Juan Antonio Morales was arrested for illicit enrichment based on bonuses that he received and provided to bank employees in 1995-97. The practice was legal at the time, and bonuses were considered part of employees' salaries. The case was widely criticized as politically motivated. Morales was released to house arrest, and the case remained under investigation at year's end.

The case of former president of the Chamber of Industry and Commerce Eduardo Paz, arrested in 2010 without a warrant for alleged connection to terrorism, was closed early in the year and charges were dropped.

Jorge Melgar Quete, leader of the National Revolutionary Movement (MNR) party, remained in detention awaiting trial after his 2008 arrest for publicly calling for the "liquidation" of President Morales. On June 23, the court denied Melgar's request for release from preventive custody.

Role of the Police and Security Apparatus.—The national police have primary responsibility in law and in practice for law enforcement and maintenance of order within the country, but military forces may be called to help in critical situations. The police report to the Ministry of Government. The government has mechanisms to investigate and punish abuse and corruption. There were no reports of impunity.

Arrest Procedures and Treatment While in Detention.—The law requires an arrest warrant, and police must inform the prosecutor of an arrest within eight hours. The law requires that a detainee see a judge within 24 hours (except under a declared state of siege, in which a detainee may be held for 48 hours), at which time the judge must determine the appropriateness of continued pretrial detention or release on bail. The judge must order the detainee's release if the prosecutor fails to show sufficient grounds for arrest. Credible reports indicated that in some cases detainees were held for more than 24 hours without court approval.

Pretrial Detention.—Judges have the authority to order preventive detention for suspects deemed a flight risk. If a suspect is not detained, a judge may order significant restrictions on the suspect's movements. Detainees generally had prompt access to their families and were allowed access to lawyers, but approximately 70 percent could not afford legal counsel, and public defenders were scarce and overburdened. Suspects were not detained incommunicado.

Denial of justice due to prolonged detention remained a problem. Although the law establishes that neither the investigatory phase nor the trial phase of a case can exceed 36 months combined, the NGO Construir estimated that in general 75 percent of suspects were held in preventive detention longer than the legal limits. If the investigatory process is not completed in 18 months, the detainee may request

release by a judge. However, judicial corruption, a shortage of public defenders, inadequate case-tracking mechanisms, and complex criminal justice procedures kept some persons detained for more than 18 months before trial. According to Construir, more than 80 percent of detainees were awaiting sentencing. Courts provided release on bail for some detainees.

Children from 11 to 16 years of age may be detained indefinitely in children's centers for known or suspected offenses or for their protection on the orders of a social worker. There is no judicial review of such orders.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, but the judiciary was widely considered corrupt, overburdened, and weakened by vacancies at its highest levels. Authorities generally respected court orders, although charges were sometimes levied against judges to pressure them to change their verdicts.

Trial Procedures.—The constitution and law provide for the right to a fair trial. Defendants enjoy the right to presumption of innocence and to trial by jury. They also have the right to consult an attorney, confront witnesses against them, present witnesses and evidence, access government-held evidence, and file an appeal. Defendants who cannot afford an attorney have the right to a public defender or private attorney at public expense.

There was at least one abuse during the year. On September 18, the detention of former Pando governor Leopoldo Fernandez of the Democratic and Social Power (PODEMOS) party on charges of assault and homicide exceeded the three year limit on detention without a conviction. By law authorities should have released him from prison while awaiting trial, but he was kept in prison on new, separate charges of corruption. On February 25, Fernandez was transferred from the San Pedro prison to the maximum-security Chonchocoro prison without a conviction. He was returned to San Pedro prison on September 28. Because the trial was moved to a different jurisdiction, his lawyers claimed there was an additional human rights violation, since a case must be tried in either the region of the supposed violation or the Supreme Court. The trial began in June 2010, but as of year's end fewer than 20 of the 500 witnesses in the case had testified.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees. However, opposition members alleged that charges against some elected officials were politically motivated. On December 18, the U.N. expressed concern about the growing number of judicial cases against political figures, particularly those in the opposition.

On December 19, an arrest warrant was issued for Santa Cruz governor Ruben Costas of the Truth and Social Democracy (VERDES) party for contempt of court, but the charges were later suspended. On December 16, PODEMOS party Beni governor Ernesto Suarez was suspended from office due to charges of corruption. On February 17, former Pailon mayor Marlene Jaldin Padilla of the MNR party was jailed on money laundering and other charges, and on July 20, former Cotoca mayor Estanislao Arauz of the regional Citizen Association "Tiluchi" party was jailed on corruption charges. In November 2010 former Sucre mayor Jaime Barron from the Social Integration Pact (PAIS) party was jailed for harassing farmers and later placed under house arrest.

Since 2010 at least 30 elected officials were accused of crimes, an action that by law obliges representatives to step down from their positions during the investigation. These persons received the same protection as other detainees and had the same access to humanitarian organizations.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary for civil matters. The law provides for criminal remedies for human rights violations. At the conclusion of a criminal trial, the complainant can initiate a civil trial to seek damages. The ombudsman for human rights can issue administrative resolutions on specific human rights cases, which the government may enforce.

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

In the case of raids by authorities on the homes of the lawyers for the victims of the May 2010 alleged police killings in Caranavi (see section 1.a.), the Ministry of Government claimed contempt of court by the lawyers. The lawyers declared themselves victims of persecution, and an investigation 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 law provides for freedom of speech and press. Although the government generally respected these rights, it initiated some restrictions on press freedom. There were also some instances of violence or harassment.

Freedom of the Press.—The law provides for freedom of the press. Although the government generally respected this right, it maintained an antagonistic relationship with the press.

The July 4 electoral law introduced restrictions on publicizing information about candidates in the October 16 judicial elections. The regulations prohibited candidates from campaigning and restricted the press from reporting unauthorized coverage of, or support for, individual candidates. Several main media organizations criticized the restrictions, stating they violated "the constitution that provides for freedom of expression, opinion, and information of both journalists and ordinary citizens."

The August 8 Telecommunications Law calls for the redistribution of broadcasting licenses and provides the government with 33 percent of them. The Bolivian Broadcasting Association complained the law would "restrict the liberty of expression" and stated it could lose 400 broadcasters to the government when their licenses expire in 2017.

Violence and Harassment.—There were some reports of violence against the press and harassment by the government. On April 15, police attacked Red Uno camera operator Israel Gutierrez, Bolivision camera operator Carlos Saavedra, and Pagina Siete photographer Henry Ponce during a confrontation between police and a workers' union outside La Paz. Police broke the cameras of Gutierrez and Saavedra and seized the memory cards of Ponce's camera. Civilians attacked two other reporters. As of year's end the government had not opened an investigation.

On July 11, the editor of El Sol de Pando newspaper, Wilson Garcia Merida, accused the MAS governor of Pando Department, Luis Flores Roberts, of having ordered the seizure of 2,000 copies of an issue of the newspaper to prevent the dissemination of a report alleging irregularities in the management of the regional authority (see section 4). On July 28, Ricardo Torres, legal affairs clerk of the state government, rejected the charge.

In September journalist Monica Oblitas reported receiving anonymous threatening telephone calls and e mails since April 4, when La Paz newspaper La Prensa published her report about medical forensics doctor Erika Hinojosa, who allegedly produced false medical documents in exchange for money. Oblitas stated that her son had left the country due to safety concerns.

In September, during a confrontation between protesters in Beni, residents attacked Samy Schwartz, a photojournalist for several newspapers, after he took pictures of the protesters' blockade. Radio Fides reporter Cesar Tamayo suffered injuries and had his equipment destroyed when blockade participants beat him for reporting on the situation. Police were present at the time and did not defend Schwartz or the other reporters. Authorities did not investigate the incident (see section 2.b.).

Censorship or Content Restrictions.—The law provides that a person found guilty of insulting, defaming, or slandering public officials for carrying out their duties may be detained from one month to two years. The sentence is doubled for insults directed against the president, vice president, or a minister. Journalists accused of violating the constitution or law are referred to the Press Tribunal, an independent body authorized to evaluate journalists' practices and apply sanctions.

On July 18, journalist Richard Romero was detained for distributing a documentary that allegedly defamed President Morales. Romero was released after 48 hours, but the case remained open.

The October 2010 Law against Racism and All Forms of Discrimination empowers the government to shut news outlets and arrest journalists for publishing content it deems racist. No one was arrested under this law during the year.

Libel Laws/National Security.—Some national and local authorities occasionally used libel laws to suppress criticism. In March journalist Mario Caro of Radio Kollasuyo in Potosi was accused of libel after making various accusations of irregularities against authorities in the Office of the Secretary of the Environment in Potosi. Investigation of the case continued at year's end.

In September Prosecutor Marcelo Soza accused VERDES party Santa Cruz governor Ruben Costas of slander after Costas made comments about him in a case. On December 19, a court issued an arrest warrant for Costas for failure to appear in court. At year's end Costas had not been arrested.

During the year the September 2010 sentence against former president Jorge "Tuto" Quiroga of the National Democratic Action (AND) party for defamation was commuted, and he did not serve time in jail.

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 law provides for freedom of peaceful assembly, and authorities generally respected this right in practice. Although the law requires a permit for most demonstrations, the government rarely enforced the law, and most protesters demonstrated without obtaining permits, frequently blocking major thoroughfares and highways.

While most demonstrations were peaceful, occasionally demonstrators carried weapons, including clubs, machetes, firearms, and dynamite. Security forces (police and on occasion the military) at times dispersed protest groups carrying weapons or threatening government and private facilities.

On September 25, police forces in Yucumo, Beni, used tear gas and other methods to disband a march by indigenous leaders protesting the construction of a highway through their land. Police temporarily detained dozens of marchers, and some were injured in the incident. The government ombudsman claimed there was no justification for the "violent intervention" by police. The government announced it would investigate the intervention and asked international organizations to assist. Minister of Government Sacha Lorenti and his deputy, Marcos Farfan, were forced to resign, and Police Commander Oscar Munoz was arrested over the incident. At year's end the ombudsman found the police used unnecessary force and committed other human rights violations. Other investigations into the incident continued at year's end.

Freedom of Association.—The law provides for freedom of association, and the government generally respected this right in practice.

c. Freedom of Religion.—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. However, the law prohibits travel 24 hours before elections and restricts foreign and domestic travel for up to three months as a penalty for persons who do not vote.

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, 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 through the National Commission on Refugees.

Refugee Abuse.—On August 5, Jose Cantoral, a Peruvian, was arrested on terrorism charges and held in detention for 22 days without due process or access to a lawyer while the government determined his refugee status. He was released from house arrest on December 6, although the investigation against him continued (see section 1.c.).

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. Many citizens of voting age, particularly in rural areas, lacked the identity documents necessary to vote. A broad spectrum of political parties and citizens' groups functioned openly. Elections for national offices and municipal governments are scheduled every five years.

Elections and Political Participation.—Recent Elections.—Monitoring groups from the Organization of American States, the EU, and the Carter center considered the 2009 national presidential and legislative elections peaceful, free, and fair.

The nation's first judicial elections, held on October 16, were deemed free and fair by observers from the Organization of American States and the Union of South American States. However, electoral laws prohibited media access to the candidates prior to the elections (see section 2.a.), and opposition leaders claimed the preselection of candidates by congress rendered the vote "legal but not legitimate."

Participation of Women and Minorities.—Half the candidates on municipal election ballots must be women, a requirement that increased female representation to approximately 30 percent of municipal council positions. However, credible NGOs

reported that women participating in politics sometimes faced challenges to running for municipal offices in the form of violence. There were 52 women among the 166 congressional deputies and senators and 10 women in the 21-member cabinet. In the October 16 judicial elections, the candidates for Supreme Court were categorized by gender to encourage equal representation in the court.

The constitution and electoral law set aside seven special indigenous districts to increase indigenous political participation in congress.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption. However, the government did not implement the law effectively, and officials in the executive, legislative, and judicial branches of government often engaged in corrupt practices with impunity.

According to the World Bank's 2010 worldwide governance indicators, government corruption and lack of transparency remained a serious problem. A 2010 Transparency International study showed that 23 percent of citizens reported paying at least one bribe within the previous 12 months.

In April the government passed a law aimed at reducing corruption in the police force. Police corruption was a significant problem, partially due to low salaries and lack of training, although no reliable statistics existed to quantify its extent.

During the year Pando Governor Flores Roberts was accused of corruption for creating front companies. Former employee Claudia Silvana Salas reported the front companies to the police and was subsequently arrested after being charged by the Flores Roberts family for extortion. At year's end Salas was in detention, and her family reported receiving anonymous threats.

The law requires public officials to report potential personal and financial conflicts of interest. Likewise, public officials must declare their assets. Cases involving allegations of corruption against the president and vice president require congressional approval before prosecutors may initiate legal proceedings. The Ministry of Anticorruption and Transparency and the Prosecutor's Office are responsible for combating corruption.

No laws provide for access to government information.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. However, NGOs and the human rights ombudsman complained that government security forces and ministries occasionally refused to cooperate with their investigations.

Government Human Rights Bodies.—The constitution establishes a human rights ombudsman with a six-year term. Congress chooses the ombudsman by a two-thirds majority vote. The ombudsman is charged with overseeing the defense and promotion of human rights, specifically defending citizens against government abuses. The ombudsman operated without party influence and with adequate resources from the government and foreign NGOs. The ombudsman issued annual reports, and the government usually accepted his recommendations.

The lower house of congress includes a permanent commission on human rights, which proposes laws and policies to promote human rights. Congressional deputies sit on the commission for one-year terms.

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

The constitution explicitly prohibits discrimination based on race, gender, disability, language, or social status.

Women.—Rape and Domestic Violence.—Rape was a serious and underreported problem. Forcible rape of an adult is punishable by sentences ranging from four- to 10-years' imprisonment. Spousal rape is not a crime. The Santa Cruz prosecutor's office reported 700 cases of rape and trafficking in persons during the year, although none went to trial. National statistics were not available.

Violence against women was also a pervasive and underreported problem. According to the NGO Center for the Information and Development of Women (CIDEM), 70 percent of women had suffered physical, sexual, or psychological abuse during their lifetime. The center noted that such abuse was likely underreported. CIDEM also reported that 43 women were killed by their partners during the year. The Women's Federation of El Alto estimated that only one in seven victims reported abuse to the police.

Family laws prohibiting mental, physical, and sexual violence provide for fines or up to four days in jail unless the case involves a crime subject to the penal code. However, these laws were enforced irregularly. The government took few meaningful or concrete steps to combat domestic violence.

In 2010 police registered 56,143 cases of family violence in which the vast majority of victims were women. The police Family Protection Brigade is responsible for combating domestic abuse but lacked financial and structural support and personnel to pursue all reported cases. In November the government and private organizations launched a public awareness campaign focused on violence against women.

Sexual Harassment.—The law considers sexual harassment a civil offense. There were no statistics on the incidence of sexual harassment, but it generally was acknowledged to be widespread.

Reproductive Rights.—The government recognizes 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 under the guidance of the Ministry of Health and Sports. According to the 2008 Demographic and Health Survey, the maternal mortality rate was estimated to be 310 per 100,000 live births and the reported contraceptive prevalence rate among married women was 34.6 percent. However, only 24 percent of the women surveyed reported they were using modern contraceptive methods.

The 2008 survey reported that 90 and 71 percent of women received prenatal care and services of skilled birth attendants, respectively, and that 85 percent of mothers and infants received postnatal care. Improvement in these indicators was attributed to the Health Ministry's policy of providing conditional cash transfers to women who register at a health center and return for their prenatal visits, delivery, and postpartum care. Legal services offices devoted to family and women's rights operated throughout the country. The Maternal and Infant Health Insurance Program provided health services to women of reproductive age and to children under age five.

Discrimination.—Women are entitled to the same legal rights as men, but many women were unaware of their rights. Women generally did not enjoy a social status equal to that of men. Traditional prejudices and social conditions remained obstacles to advancement. The minimum wage law treats men and women equally; however, women generally earned less than men for equal work. Women sometimes complained that employers were reluctant to hire them because of the additional costs (mainly maternity leave) in a woman's benefits package. The gender gap in hiring appeared widest for positions requiring a higher education. Most women in urban areas worked in the informal economy and the services and trade sectors, including domestic service and microbusiness, whereas in rural areas the majority of economically active women worked in agriculture. Young girls often left school early to work at home or in the informal economy. According to the armed forces, the percentage of women entering the military had increased from 0.4 percent to 3 percent in the previous six years.

Children.—Birth Registration.—Citizenship is derived both through birth within the country's territory (unless on diplomatic status) and from one's Bolivian parent(s). Birth certificates are registered either by a notary's affirmation of the certificate or through testimony of two adults regarding a child's parentage. Registered birth certificates are necessary to obtain national identification cards.

Child Abuse.—Sexual crimes against minors are automatically considered crimes. The law criminalizes statutory rape, with prison terms of 15 to 20 years for the rape of a child under the age of 14. In cases involving consensual sex with an adolescent who is 14 to 18 years of age, the penalty is two to six years' imprisonment. According to the human rights ombudsman, during the year seven of 10 children were physically or psychologically abused in their homes or at school. Corporal punishment and verbal abuse were common in schools.

Child Marriage.—According to the Population Reference Bureau, 26 percent of women of the ages 20 to 24 were married by age 18. There is no minimum age of consent.

Sexual Exploitation of Children.—Commercial sexual exploitation of children, including child prostitution, was a problem, particularly in the Chapare region and in urban areas, including Santa Cruz, La Paz, El Alto, and Cochabamba. Several NGOs had active programs to combat child prostitution. According to the human rights ombudsman, many children living in the streets were exploited sexually.

The law criminalizes the commercial sexual exploitation of children with penalties between 10 and 15 years in prison. The penalty for child pornography involving chil-

dren under 14 years of age is three to six years in prison. The International Organization for Migration estimated that there were 2,000 girls involved in prostitution.

Displaced Children.—According to the human rights ombudsman, 6,000 children lived in the streets of major cities, and 1,487 lived with their parents in prison.

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 Jewish community numbered approximately 650 persons. 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 the provision of other state services. The law requires wheelchair access to all public and private buildings, duty-free import of orthopedic devices, a 50 percent reduction in public transportation fares for persons with disabilities, and expanded teaching of sign language and Braille. However, the government did not effectively enforce these provisions. In addition societal discrimination kept many persons with disabilities at home from an early age, limiting their integration into society.

The National Committee for Persons with Disabilities is responsible for protecting the rights of persons with disabilities.

*National/Racial/Ethnic Minorities.*There were some instances of racial discrimination by police. According to the Public Ministry, during the year there were 139 registered cases of discrimination or racism, mostly in the provision of health and education services (other government sectors did not report). Of these cases, 18 percent involved verbal abuse, 15 percent were based on indigenous character or culture, and 10.8 percent involved sexual discrimination against women. None of the allegations resulted in more than administrative punishment.

Indigenous People.—In the 2001 census, approximately 62 percent of the population over the age of 15 identified themselves as indigenous, primarily from the Quechua and Aymara groups. The Inter-American Commission on Human Rights reported that 70 percent of indigenous persons lived in poverty or extreme poverty with little access to education or minimal services to support human health, such as clean drinking water and sanitation systems. The government carried out some programs to increase access to potable water and sanitation in rural areas where indigenous people predominated. The governmental Indigenous Fund initiated support in 2010 for development projects designed to primarily benefit indigenous communities. The fund had a budget of more than 900 million bolivianos ($129 million) but allotted only 70 million bolivianos ($10 million) for 82 projects in the year.

Indigenous lands were not fully demarcated, and land reform remained a central political issue. Historically, some indigenous persons shared lands collectively under the "ayllu" system, which was not legally recognized during the transition to private property laws. Despite laws mandating reallocation and titling of lands, recognition and demarcation of indigenous lands were not fully accomplished.

The law states that indigenous peoples have the right to control natural resources in their territories, but indigenous people protested outside exploitation of their resources and sometimes complained that authorities did not properly consult them. In August and September indigenous leaders marched to protest the construction of a highway through indigenous lands without prior consultation required by the constitution and international conventions (see section 2.b.).

Indigenous persons were well represented in government and politics, but they bore a disproportionate share of poverty and unemployment. Government educational and health services remained unavailable to many indigenous groups living in remote areas. The government continued to try to improve individual and family situations through the delivery of cash conditional transfers and retirement payments to low-income persons and the elderly. For example, under the cash conditional transfer program, pregnant women and children under the age of two receive money if they undergo medical checkups.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law prohibits discrimination based on sexual orientation, including by police, and citizens are allowed to change their name and gender on their official identity cards. However, societal discrimination against gay, lesbian, bisexual, and transgender persons was common and noted in local media editorials.

Other Societal Violence or Discrimination.—The human rights ombudsman reported that persons with HIV/AIDS faced pervasive discrimination. There were few if any registered acts of violence against persons with HIV/AIDS. No formal govern-

ment programs existed to combat HIV/AIDS discrimination, although such discrimination is illegal.

The September 2010 case in which community members buried alive three brothers in the Cochabamba town of Tapacari was in the trial phase at year's end.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law provides workers freedom of association and the right to strike with some exceptions, protects the right to organize and bargain collectively, and prohibits antiunion discrimination. The 2009 constitution allows any working individual to join a union and provides for the right to strike, although an older labor code provided exceptions to this and was used as the regulatory base. Workers may form a union in any private company of 20 or more employees, but the law requires that at least 50 percent of the workforce be in favor. The law requires prior government authorization to establish a union and confirm its elected leadership, permits only one union per enterprise, and allows the government to dissolve unions by administrative fiat. The law also requires that members of union executive boards be Bolivian by birth. According to the older regulatory code still in use, public employees are expressly prohibited from forming unions. Unions are permitted to affiliate with international organizations.

The law provides most workers with the right to strike, but it requires unions to seek prior government mediation; the law has the same requirement for employers before they initiate a lockout. A legal strike requires the support of 75 percent of union workers. Workers who participate in an unlawful strike may be sentenced to prison terms of one to five years. The government may initiate compulsory arbitration to end a strike or collective dispute in nonessential sectors. Employees of government ministries are prohibited from striking. Although excluded from the law, agricultural workers are permitted to organize unions and strike. Employees serving in the public service sector are prohibited from striking, specifically those in the public administrative posts; the water, light, and energy sectors; communications and banking; sanitary services; and public food-market employment. The law prohibits antiunion discrimination and requires reinstatement of employees illegally fired for engaging in union activity.

The government effectively enforced applicable laws, but it was slow to do so and continued to use a labor code that was superseded by the constitution. The National Labor Court handles complaints of antiunion discrimination, but rulings took a year or more. The court ruled in favor of discharged workers in some cases and required their reinstatement. However, union leaders stated that problems often had been resolved or were no longer relevant by the time the court ruled.

In practice freedom of association was limited by government regulations and overburdened labor courts. Moreover, the minimum requirement of 20 workers proved an onerous restriction, as an estimated 72 percent of enterprises had fewer than 20 employees. The government had close ties with some umbrella labor organizations, such as the Bolivian Workers' Union (Central Obrera Boliviana) and the Confederation of Farm Workers. Labor inspectors are allowed to attend union meetings and monitor union activities.

Public sector workers (including teachers, transportation workers, and health-care workers) frequently went on strike, despite prohibitions against strikes, and were not penalized for such actions. These groups were also unionized and actively participated as members of the Bolivian Workers' Union without penalty. General and solidarity strikes are protected by the constitution but technically illegal based on a 1951 Supreme Court decree; the government neither prosecuted nor imposed penalties in such cases. Collective bargaining and voluntary direct negotiations between employers and workers without government participation was limited. Most collective bargaining agreements were restricted to addressing wages.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor. The government partially enforced these laws. There were isolated cases of mostly indigenous persons who incurred debts to their employers and were obligated to work until the debt was repaid.

The government and private sector made significant strides to eliminate forced labor in two historically troubled industries, Brazil nuts and sugar. The government assigned extra labor inspectors to these areas, and the local human rights ombudsman, with cooperation from the private sector, created a plan to reduce the risks of forced and child labor from reemerging in the industries.

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 paid work by children under the age of 14. The law prohibits a range of

dangerous, immoral, and unhealthy types of work for minors under 18. Labor law permits apprenticeship for 12- to 14-year-old children with various formal but poorly enforced restrictions that were criticized by the International Labor Organization (ILO). Children under 14 worked in a variety of industries, including historically dangerous sectors such as mining.

The Ministry of Labor is responsible for enforcing child labor laws but in general did not do so effectively, including laws pertaining to the minimum age and maximum hours for child workers, school completion requirements, and health and safety conditions for children in the workplace.

The Bolivian Institute for International Trade, with support from the government, worked with the sugar association to eliminate child labor throughout the sugar production chain. The institute created a triple seal to certify that companies were free of child labor, forced labor, and discrimination. Up to 500 sugar manufacturers participated in the program, but none had received the triple seal by year's end.

Child labor remained a serious problem. According to the ILO, in 2008 an estimated 848,000 children between the ages of five to 17 worked at least one hour a week. Approximately 800,000 children were under the age of 14 and working in risky labor conditions—354,000 in urban areas and 446,000 in rural areas. The human rights ombudsman estimated that more than 100,000 children worked eight to 12 hours a day.

Urban children sold goods, shined shoes, and assisted transport operators. Rural children often worked with parents from an early age, generally in subsistence agriculture. Children generally were not employed in factories or formal businesses, but when employed in such situations, they often worked the same hours as adults. Children worked as domestic servants and also in dangerous occupations such as gold, silver, tin, and zinc mining as well as other areas in the informal sector.

There were reports of Bolivian children subjected to forced labor in neighboring countries.

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 the government raised the minimum monthly wage to 815 bolivianos ($117) for the public and private sectors. The official estimate of the poverty income level in 2005 was 336 bolivianos ($48) per month. Labor laws establish a maximum workweek of 48 hours and limit the workday to eight hours for men. The laws also set a 40-hour workweek for women, prohibit women from working at night, mandate rest periods, and require premium pay for work above a standard workweek. The law provides for a minimum of 15 days' annual leave and grants workers the right to remove themselves from dangerous situations without fear of losing their jobs.

In practice the government did not effectively enforce these laws. The Ministry of Labor's Bureau of Occupational Safety has responsibility for protection of workers' health and safety, but the relevant standards were poorly enforced. There were fewer than 55 inspectors in the entire country to enforce health, safety, and regulatory compliance. Five of these inspectors were dedicated specifically to child labor. The law provides for penalties for noncompliance, but enforcement was not effective, and the penalties were insufficient to deter violations.

A national tripartite committee of business, labor, and government representatives is responsible for monitoring and improving occupational safety and health standards and enforcement. The Ministry of Labor maintained offices for worker inquiries, complaints, and reports of unfair labor practices and unsafe working conditions, but it was unclear whether the offices were effective in regulating working conditions. While the government did not keep official statistics, there were reports that workers died due to unsafe conditions, particularly in the mining and construction sectors. There were no significant government efforts to improve conditions in these sectors.

An estimated two-thirds of workers were part of the informal economy. There was no significant government effort to formalize or enforce labor laws in this portion of the economy.

Working conditions in cooperative-operated mines remained poor. Miners were self-employed and continued to work with no scheduled rest for long periods in dangerous, unhealthy conditions.

BRAZIL

EXECUTIVE SUMMARY

Brazil is a constitutional, multiparty republic. In October 2010 voters chose Dilma Rousseff as president in elections considered free and fair. Security forces reported to civilian authorities.

The most significant human rights abuses included substandard prison conditions; human trafficking, especially sex trafficking of children and adolescents; and forced labor.

Other human rights problems included excessive force, beatings, abuse, and torture of detainees and inmates by police and prison security forces; prolonged pretrial detention and inordinate delays of trials; violence and discrimination against women; violence against children, including sexual abuse; violence based on sexual orientation; discrimination against indigenous persons and minorities; insufficient enforcement of labor laws; and child labor in the informal sector.

The government continued to prosecute officials who committed abuses; however, lengthy appeals in the judiciary for some human rights violators remained a problem.

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

a. Arbitrary or Unlawful Deprivation of Life.—The federal government or its agents did not commit politically motivated killings, but unlawful killings by state police (military and civil) occurred. In some cases police employed indiscriminate force. In a few cases, civilians died during large-scale police operations conducted by law enforcement officers. Credible reports indicated state police officials continued to be involved in revenge killings and the intimidation of witnesses who testified against police.

On February 15, authorities arrested 19 police officers in the central state of Goias for belonging to a group that allegedly had killed at least 40 persons since 1996. The officers claimed they targeted adult male criminals, although women and children were among the dead. Among those arrested was the deputy commanding general of the state's military police, Colonel Carlos Cezar Macario.

On August 11, gunmen ambushed and killed Judge Patricia Lourival Acioli in Niteroi, Rio de Janeiro State. Acioli was known for taking a hard line against corrupt police officers. On September 27, authorities arrested Lieutenant Colonel Claudio Luiz de Oliveira, Lieutenant Daniel Benitez, and six other members of the Rio de Janeiro military police on charges of planning and participating in the killing.

In Rio de Janeiro there were reports that both on- and off-duty police employed indiscriminate use of force. These acts often occurred in the city's approximately 1,050 favelas (poor neighborhoods or shantytowns), where an estimated 1.5 million persons lived.

According to the nongovernmental organization (NGO) Amnesty International, specialized Police Pacification Units (Unidades Policia Pacificadora, or UPPs) significantly reduced violence in a dozen communities, but the NGO stated that police in Rio de Janeiro continued to depend on repressive methods and were responsible for at least 30 percent of all civilian casualties in UPP operations. The NGO claimed Rio police killed 471 persons from January to October in "acts of resistance," similar to resisting arrest. The Rio de Janeiro State Public Safety Institute, a governmental organization, corroborated this number.

The Sao Paulo State Secretariat for Public Security reported that state police (civil and military) killed 354 civilians in the state from January to September, compared with 392 in the same period in 2010.

At year's end there were no developments in the April 2010 killing of at least 23 persons by a group of approximately five military police officers on the coast of Sao Paulo State, reportedly in retaliation for the killing of a fellow officer.

Killings and other violence related to environmental activism and agrarian conflicts continued. Between May 21 and June 1, five community leaders with connections to environmental activism were killed. On May 24, rubber tapper Jose Claudio Ribeiro da Silva and his wife, Maria do Espirito Santo, were shot and killed near their home in the Amazon region of Para State. In addition to being union leaders, both were active environmentalists and reported illegal logging to authorities. The couple had received several death threats. On September 18, police arrested Jose Rodrigues Moreira and Lindon Johnson Silva Rocha in connection with the killings. At year's end both were in detention awaiting trial.

According to the Catholic NGO Pastoral Land Commission, 1,855 environmental activists received death threats between 2000 and 2010, and 42 were subsequently

killed. Of 1,588 killings linked to land conflicts that occurred in remote areas of the Amazon between 1995 and October 2011, 91 went to trial, resulting in 21 convictions. On October 27, the National Council of Justice and the Para State Justice Tribunal formed a task force to accelerate judgments of pending cases related to land conflict killings.

On September 6, a four-judge panel of the First Criminal Chamber of the Para State Court of Justice upheld the sentence of Reginaldo Pereira Galvao, convicted of the 2005 murder of Catholic nun Dorothy Mae Stang and sentenced to 30 years in prison. Galvao, who had remained free while awaiting the outcome of the appeal, turned himself in and began serving his sentence.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the constitution prohibits such treatment and provides severe legal penalties for its use, torture and other cruel treatment by police and prison guards persisted.

On August 2, Paraiba state military policeman Gleson Campos Pereira was arrested in the state of Pernambuco on charges of torturing four persons, two of whom were minors. At year's end there were no new developments.

In March Rio de Janeiro became the first state to establish a committee to prevent and combat torture. The committee is composed of 16 members—eight from the state government and eight from civil society. The committee provided an overview of torture to the U.N. Subcommittee on Prevention of Torture during the U.N. group's September visit. Also in September the subcommittee inspected various prisons and detention centers for evidence of torture by police officers.

Prison and Detention Center Conditions.—Conditions in many prisons were poor and sometimes life threatening, but many states made efforts to improve conditions. Abuse by prison guards continued to occur at many facilities. The Catholic Church's Penitentiary Commission, linked to the country's National Conference of Bishops, reported 25 cases of torture in prisons and police stations from January through the end of March, compared with 70 in all of 2010. Poor working conditions and low pay for prison guards encouraged corruption.

According to the Ministry of Justice's Penitentiary Information Integrated System (InfoPen), 84 deaths occurred inside prisons between January and June, of which 11 were of a criminal nature.

Prisoners had access to potable water, but sanitary conditions were often inadequate. Prisoners who committed petty crimes were held with murderers. Overcrowding was a problem. According to the National Council of Justice (CNJ), in August there were 471,528 prisoners incarcerated in a prison system designed for approximately 333,000. According to a local NGO and official data, 44 percent of all detainees were awaiting trial.

In August the CNJ reported that the Anibal Bruno prison in Recife held 4,900 prisoners in a facility designed for 1,400. On September 9, five prisoners were killed in gang-related violence in the Serra Azul prison in Sao Paulo State; at the time of the killings, there were 1,530 prisoners in a facility with a capacity of 730.

While authorities attempted to hold pretrial detainees separately from convicted prisoners, overcrowding often required holding convicted criminals in pretrial detention facilities. Abuses continued in municipal jails and detention centers throughout the country.

The state of Rio de Janeiro took steps to address torture and other problems in its prison system. In March state authorities ordered all police-operated jails to be closed. They also ordered the closure of Polinter de Neves, a state prison intake facility, which was the subject of an Organization of American States investigation in 2009. However, approximately 3,000 inmates remained at the facility due to a lack of vacancies elsewhere. In a 2010 inspection of Polinter de Neves, 80 prisoners were found in a cell designed for 13.

Espirito Santo State has constructed 25 new prisons during the last decade and closed most of its older prisons. Espirito Santo, like Rio de Janeiro State, also ordered the closure of its police-run jails. The Sao Paulo State Secretariat for Penitentiary Systems reported that during the year five new prisons were built in the state and 16 more were under construction. In 2010 and 2011, the CNJ conducted reviews of more than 295,000 criminal cases, resulting in the release of almost 22,000 prisoners.

In December 2010 the International Center for Prison Studies estimated the nationwide female prison population at approximately 34,700 inmates. The situation in the Santana Women's Penitentiary in Sao Paulo remained poor, although there were some improvements in health care and food quality. The prison has a capacity of 1,200 prisoners; early in the year it held 2,700 women.

Rio de Janeiro and Sao Paulo states and the Federal District provided separate prison facilities for women; elsewhere, according to the Catholic Church's Penitentiary Commission, women occasionally were held with men in some facilities.

Women who give birth in prison or are the mothers of newborns when arrested are permitted to keep their babies with them in the facility for six months. At the Santana Penitentiary in Sao Paulo, mothers and their babies were housed in the hospital center, on the same compound as the prison.

The federal constitution prevents minors from being tried as adults and incarcerated in federal, state, or city prisons. Crimes or misdemeanors committed by minors are classified as infractions and recorded in the National Registry of Adolescents in Conflict with the Law. From January through June, 91,321 adolescents were placed on the registry for various crimes. The penalties for such acts are classified as socio-educational measures. Of those placed on the registry, 29,506 received such penalties.

By law juveniles should not be held together in jails with adults, but this was not always respected in practice. The CNJ's Justice to Youth program, adopted in 20 states, is designed to ensure that adolescent criminals are treated differently from adult criminals. Multiple sources reported adolescents jailed with adults in poor and crowded conditions. Insufficient capacity in juvenile detention centers was widespread. In October there were 18,196 adolescents in detention centers, a 4.5 percent increase compared with the same period in 2010.

In July a law allowing judges to prescribe alternate sentences, including ankle bracelet monitoring and home arrest, to minor offenders came into effect. The law was intended to reduce overcrowding.

The government's National System of Socio-Educational Services (SINASE) provides rules standardizing the legal proceedings involving minors. SINASE oversaw improvements to juvenile detention centers, such as requiring a maximum of three adolescents per room and encouraging physical activity.

In 2006 the Center for the Socio-Educational Care of the Adolescent began dismantling large out-of-date detention centers and building smaller facilities for easier management of the inmate population. Two new centers opened in August, bringing the number of such facilities to 57. Each new center had space for 56 adolescents. The creation of small units reduced the recidivism rate, which dropped from 29 percent in 2006 to 12.8 percent in 2010, while the number of riots fell to four reported during the year.

Prisoners and detainees had access to visitors. Human rights observers reported that some visitors complained of screening procedures that at times included invasive and unsanitary physical exams. Prisoners were permitted religious observance and could submit complaints to judicial authorities. Government policy permits prison visits by independent human rights observers, and this policy generally was followed. There also were state-level ombudsman offices and the federal Secretariat for Human Rights (SDH) to monitor prison and detention center conditions.

Under federal law all convicted prisoners are authorized to work, and educational opportunities should be made available. Nevertheless, nationwide only 14 percent of prisoners worked and 8 percent took part in educational activities, according to InfoPen. To address the lack of educational opportunities, the CNJ offered a program called New Beginnings to provide educational and work opportunities for inmates.

In many states educational opportunities are supplied by the respective state secretariats of education. According to the Catholic Church's Penitentiary Commission, which has constitutional authority to visit inmates at their request, only 7.5 percent of prisoners in the Sao Paulo prison system had access to educational opportunities. On May 23, the Sao Paulo state government announced the creation of the Virtual School for Educational Programs of Sao Paulo, replacing face-to-face prisoner-teacher interactions with virtual technologies aimed at making classes more accessible to inmates.

On June 30, President Rousseff modified the Law of Penal Execution, mandating that inmates have a day removed from their sentences for every 12 hours they attend classes.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention and limits arrests to those caught in the act of committing a crime or arrested by order of a judicial authority; however, police at times did not respect this prohibition in practice.

Role of the Police and Security Apparatus.—The Federal Police, operating under the Ministry of Justice, is small, primarily investigative, and plays a minor role in routine law enforcement. Most police forces fall under the control of the states,

where they are divided into two distinct units: the civil police, performing an investigative role, and the military police, charged with maintaining law and order.

In Rio de Janeiro's favelas, so-called militia groups, composed of off-duty and former law enforcement officers, often took policing into their own hands. Many militia groups intimidated residents and conducted illegal activity such as extorting protection money and providing pirated utility services. Human rights observers believed that such militia groups controlled up to a third of Rio's favelas.

In February federal police agents and the internal affairs unit of the Rio State Secretariat for Public Security conducted a massive sweep targeting high-ranking police officials accused of collusion with militia groups. The operation led to the arrests of 11 civil police officers and 21 military police officers. Rio Civil Police Chief Allan Turnowski resigned as a result of the investigation.

On May 12, a large-scale police operation targeting illegal militia groups was carried out by 90 military policemen and 40 civil police officers from the state of Pernambuco, resulting in the arrest of 11 persons for committing murders in Pernambuco and also in Maceio, Alagoas State. Former Alagoas police officer Edgelson Ribeiro Guimaraes, considered the militia group leader, had previously been accused of kidnapping and illegal possession of firearms. The group he led was charged with at least four killings between April 2010 and May 2011. The defendants remained in detention awaiting trial at year's end.

The law mandates that special police courts exercise jurisdiction over state military police except those charged with "willful crimes against life," primarily homicide. The police often were responsible for investigating charges of torture and excessive force carried out by fellow officers, although independent investigations increased. Delays in the special military police courts allowed many cases to expire due to statutes of limitations.

According to the Rio de Janeiro State Secretariat for Public Security, human rights courses were a mandatory component of training for entry-level military police officers. UPP officers for the favela pacification program received additional human rights training, supplementing what regular civil and military police receive. Under the pacification program, the Rio de Janeiro State Secretariat for Public Security inaugurated five new UPPs during the year, bringing the total to 18. In November Rio security forces established control in Rocinha, the largest favela in the country. The armed forces continued to patrol the favela Complexo do Alemao following their November 2010 entry to remove organized crime groups.

On April 15, the Sao Paulo state government began making available to the public extensive data on crimes committed in the state, including killings by police. Sao Paulo Governor Geraldo Alckmin signed a resolution permitting citizens to file police reports for some crimes online as well as with the military police, whereas in the past victims had to file in person.

On June 2, President Rousseff met with the state governors of Amazonas, Para, and Rondonia to discuss measures to confront agrarian conflicts that contributed to the killing of environmental activists in those states. Minister of Justice Jose Eduardo Cardozo subsequently announced Operation Life Protection and the deployment of a task force consisting of the armed forces, Federal Police, highway patrol, and National Security Force to assist in investigations.

Arrest Procedures and Treatment While in Detention.—With the exception of arrests of suspects caught in the act of committing a crime, arrests must be made with a warrant. Suspects must be advised of their rights at the time of arrest or before being taken into custody for interrogation. The use of force during an arrest is prohibited unless the suspect attempts to escape or resists arrest. According to human rights observers, some detainees complained of physical abuse by police officers while being taken into custody.

Authorities generally respected the constitutional right to a prompt judicial determination of the legality of detention. Detainees were informed promptly of the charges against them. The law permits provisional detention for up to five days under specified conditions during an investigation, but a judge may extend this period. A judge may also order temporary detention for an additional five days for processing. Preventive detention for an initial period of 15 days is permitted if police suspect that a detainee may leave the area. Occasionally detainees were held longer than the provisional period.

Defendants arrested in the act of committing a crime must be charged within 30 days of arrest. Other defendants must be charged within 45 days, although this period may be extended. In practice the backlog in the courts often resulted in extending the period for charging defendants. The Catholic Church's Penitentiary Commission reported that one in five pretrial detainees was held beyond the legal limit.

Bail was available for most crimes, and defendants facing charges for all but the most serious crimes had the right to a bail hearing. Prison authorities generally al-

lowed detainees prompt access to a lawyer. Indigent detainees had the right to a lawyer provided by the state. Detainees also were allowed prompt access to family members.

The law does not provide for a maximum period for pretrial detention, which is defined on a case-by-case basis. Time in detention before trial is subtracted from the sentence.

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

Although the law requires that trials be held within a set time period, the nationwide backlog in state and federal cases frequently led courts to dismiss old cases unheard. To reduce backlogs and waiting times, the CNJ formed several task forces to review thousands of outstanding cases. Between February and November, the judicial task force of Region 1, which includes the judiciaries of 14 states in the north, northeast, and central-west regions, reduced by 26,688 the backlog of approximately 340,000 cases. Between September 2010 and September 2011, the task force of Region 3, which consists of the states of Sao Paulo and Mato Grosso do Sul, reduced by 93,970 the backlog of approximately 300,000 cases.

Trial Procedures.—The right to a fair public trial as provided by law was generally respected. However, in some rural regions-especially in cases involving land rights activists-the perception existed that police, prosecutors, and the judiciary were more likely to be subject to external influences, including fear of reprisals. Investigations, prosecutions, and trials in these cases often were delayed. After an arrest a judge reviews the case, determines whether it should proceed, and, if so, assigns the case to a state prosecutor who decides whether to issue an indictment. The law recognizes the competence of a jury to hear cases involving capital crimes. Judges try those accused of lesser crimes. Defendants enjoy a presumption of innocence and have the right to confront and question witnesses, access government-held evidence, and appeal verdicts.

While the law provides for the right to counsel, the Ministry of Justice stated that many prisoners could not afford an attorney. The court must furnish a public defender or private attorney at public expense in such cases. The Public Ministry continued to hire public defenders, but staffing deficits remained in all states. According to the Rio de Janeiro State Office of Public Defense, the state employed 800 public defenders, up from 700 in 2010, yet this was insufficient.

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

Civil Judicial Procedures and Remedies.—While the justice system provides for an independent civil judiciary, courts were overburdened with backlogs and sometimes subject to corruption, political influence, and indirect intimidation. Citizens can bring lawsuits before the courts for human rights violations.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, but NGOs reported that police conducted searches without warrants. Human rights groups, other NGOs, and the media reported incidents of police invasions in poor neighborhoods. During these operations police stopped and questioned persons and searched cars, residences, and business establishments without warrants.

The military continued to patrol the Complexo do Alemao favela in Rio de Janeiro while community police officers were being trained to assume responsibility. The NGO Rede Contra Violencia claimed that military forces in Complexo do Alemao continued to enter and search homes without warrants and that community police officers conducted warrantless searches of homes in some pacified favelas.

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 these rights in practice. The independent media were active and expressed a wide variety of views with minimal restriction, but nongovernmental criminal elements continued to subject journalists to violence because of their professional activities.

Freedom of the Press.—The National Association of Newspapers (ANJ) continued to report cases of imprisonment, aggression, censorship, and failure to respect freedom of the press. Between January 1 and July 26, the ANJ reported 23 cases of censorship, threats, direct violence against journalists, and other forms of pressure against news organizations and professionals, including three killings, one imprisonment, six cases of censorship, and nine instances of verbal assault and physical battery.

According to the International Press Institute, five journalists were killed in the country during the year.

On April 9, a gunman shot and killed radio journalist and television personality Luciano Leitao Pedrosa in Vitoria de Santo Antao, Pernambuco. Pedrosa hosted the television program Action and Citizenship for seven years and was a harsh critic of municipal government and local authorities in the Northeast. Police arrested an accomplice to the killing on April 13 but made little further progress on the case.

On June 15, three gunmen in Serra do Mel, Rio Grande do Norte State, shot and killed journalist and editor Edinaldo Filgueira. Authorities arrested eight suspects who reportedly belonged to a gang of contract killers. On November 18, the mayor of Serra do Mel, Josivan Bibiano, was indicted as the mastermind of the killing.

The ANJ, Brazilian Association for Investigative Journalism, and Inter American Press Association regarded the most serious threat to press freedom to be the growing number of cases of judicial censorship of the media. For example, in March Judge Adrianno Espindola Sandes of Jaguarari in Bahia State prohibited the radio station Lideranca FM from broadcasting news related to charges that the city's mayor, Antonio Ferreira do Nascimento, bought votes. The Judges Association of Bahia upheld the decision, stating that continued broadcasting would impede an investigation into the case.

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.

Several legal and judicial rulings had the potential to threaten freedom of expression on the Internet. A continuing trend was for private individuals and official bodies to take legal action against Internet service providers and providers of online social media platforms, such as Google, Facebook, and Orkut, holding them accountable for content posted to or provided by users of the platform. Judicial rulings often resulted in the forced removal of content from the Internet.

In March the Rondonia State Court sentenced Google to pay 100 minimum wages (approximately 54,000 reais, or $29,000) to the municipal funds for children and adolescents in the towns of Pimenta Bueno, Sao Felipe de Oeste, and Primavera de Rondonia for providing the infrastructure supporting two online communities considered offensive. Prosecutors declared that two young men were offended by profanity and sexual content within the virtual communities. Google, owner of Orkut, the Web site in question, stated that it was responsible solely for providing the online infrastructure and not the content of the site posted on that infrastructure. Google's appeal was pending at year's end.

In July 2010 electoral rules were issued regulating presidential campaigns on the Internet. The rules prohibit candidates from buying advertising space online and restrict online campaign presences to sites run by the candidate. Between July and December 2010, the government made 263 content removal requests to Google, of which Google partially or completely complied with 76 percent. Observers attributed this to the number of electoral court orders requesting the removal of content related to political campaigns. There were no elections during the year and consequently no such requests.

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 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 and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, 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. During the year the government granted approximately 4,400 asylum seekers full refugee status.

An estimated 4,000 Haitians immigrants entered the country during the year, making their way through Peru, Colombia, and Bolivia via the Dominican Republic

and Panama in hope of securing employment in one of the large infrastructure projects, such as hydroelectric dams. The government did not grant refugee status to the immigrants but provided humanitarian assistance and issued 1,600 humanitarian visas to the immigrants. The visa entitles them to receive health and social assistance, the right to work, and the right to remain for up to five years.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage. Military conscripts may not vote.

Elections and Political Participation.—Recent Elections.—In the October 2010 national elections, considered free and fair, Workers' Party candidate Dilma Rousseff won a four-year term as president.

Participation of Women and Minorities.—Women have full political rights. The law requires that 30 percent of the candidates registered by each political party be women. According to the Electoral Supreme Court, there were 3,968 female candidates in the October 2010 elections, compared with 15,504 male candidates. Thirteen women were elected to the 81-member Senate and 44 women to the 513-member Chamber of Deputies. Of the 27 governors elected, two were women.

There were 25 Afro-Brazilians in Congress (three senators and 22 deputies). There was one Afro-Brazilian in the cabinet and one each on the Federal Supreme Court and Superior Court of Justice.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption. However, the government did not always implement the law effectively, and officials frequently engaged in corrupt practices with impunity. There were numerous reports of government corruption.

During the year six executive cabinet-level officials resigned over allegations of corruption-Chief of Cabinet Antonio Palocci on June 7, Minister of Transportation Alfredo Nascimento on July 6, Minister of Agriculture Wagner Rossi on August 17, Minister of Tourism Pedro Novais on September 14, Minister of Sports Orlando Silva on October 26, and Minister of Labor and Employment Carlos Lupi on December 4. Numerous other public officials were arrested, dismissed, or forced to resign, and President Rousseff reiterated her commitment to combat corruption.

In July the Court of Audit (TCU), the congressional auditing and investigative arm, reported on government contracts audited from 2006 to 2010. The report found 80,000 irregularities, including 31,793 instances of collusion on bidding and 1,470 instances in which contracts were signed with companies that were legally prohibited from signing government contracts.

The Ficha Limpa (Clean Record) law bars politicians from seeking elected office if they face corruption charges.

Public officials are subject to financial disclosure laws, which were enforced and with which the officials generally complied.

Federal government entities such as the TCU, Federal Controller General, Public Ministry, Federal Police, judiciary, Department of Revenue and Control of Financial Activities, and Federal Treasury are responsible for fighting corruption. The agencies identified public spending as a source of financial corruption, but they had limited powers to function effectively.

On August 23, the Brazilian Bar Association launched a Web site to track government corruption.

The law provides for public access to unclassified government information upon application to the Commission for Public Ethics, although the release of such information was often slow.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Federal officials were cooperative and responsive to their views. Federal and state officials in many cases sought the aid and cooperation of domestic and international NGOs in addressing human rights problems; for instance, the Ministry of Labor (MTE) partnered with the International Labor Organization (ILO) to formulate national strategies for combating forced and child labor.

Government Human Rights Bodies.—The Chamber of Deputies and the Senate had human rights commissions that operated without interference and participated in several activities nationwide in coordination with domestic and international

human rights organizations. Most states had police ombudsmen, but their accomplishments varied considerably, depending on such factors as funding and outside political pressure.

On November 18, President Rousseff signed a law establishing a truth commission to investigate alleged human rights abuses from 1946 to 1988, including those committed by the military regime (1964-85). The law authorizes the commission to hold public hearings, compel individuals to testify, request and review classified documents from all three branches of government, and publish the results of its investigations.

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

The law prohibits and penalizes discrimination on the basis of race, gender, disability, or social status, but discrimination continued against women, Afro-Brazilians, gays and lesbians, and indigenous persons.

Women.—Rape and Domestic Violence.—Rape, including spousal rape, is a crime punishable by eight to 10 years in prison. Domestic violence remained both widespread and underreported to the authorities, due to fear of retribution, further violence, and social stigma. On March 24, the Supreme Court unanimously upheld the constitutionality of the 2006 Maria da Penha law to combat domestic violence against women. The law, which increases the penalty for domestic violence from one to three years in prison and created special courts, may have led to an increase in reporting. Since the approval of the law, 300,000 cases of domestic violence have been brought to trial, resulting in 100,000 convictions. According to research published on March 27, the CNJ estimated there were 332,200 cases of violence against women in state-level judicial systems. Protective orders were granted in 15 to 30 percent of cases, and the conviction rate for cases brought under the law was less than 1 percent. In early December the CNJ signed an agreement with the Secretariat for Women's Policies (SPM) and the Ministry of Justice to identify barriers to trying cases of domestic violence in state courts.

The federal government continued to operate a toll-free nationwide hotline for women. In the first six months of the year, the hotline registered 293,708 calls reporting domestic violence, 14 percent lower than in the same period in 2010. According to hotline data, 60 percent of the complaints received between April 2006 and June 2011 concerned physical abuse.

The Police Women's Defense Office in Fortaleza, Ceara, reported 6,337 cases of domestic violence in Fortaleza between January and July, although only 667 investigations were opened. Reports of domestic violence have risen nationwide since 2006, when the Maria da Penha law was launched.

There were special courts for domestic and family violence in all states except Paraiba, Roraima, Sergipe, and Tocantins. Sao Paulo State's Special Court of Domestic and Family Violence against Women appointed an additional judge, bringing the total number to two. The court processed 9,000 cases during the year, most of them related to threats of violence, rape, and coercion; this was 50 percent higher than in 2010. In 80 percent of the cases, the defendants were sentenced to prison; some were also sent for counseling. During the year the state of Sao Paulo created six more special courts of domestic violence, for a total of seven.

Each state secretariat for public security operated police stations dedicated exclusively to addressing crimes against women, for a total of 359 countrywide. The stations provided psychological counseling, temporary shelter, and hospital treatment for victims of domestic violence and rape, as well as criminal prosecution assistance by investigating incidents and forwarding evidence to courts. There were also 187 reference centers and 72 temporary women's shelters.

The law requires health facilities to contact the police regarding cases in which a woman was harmed physically, sexually, or psychologically to collect evidence and statements should the victim decide to prosecute.

Sexual Harassment.—Sexual harassment is a criminal offense, punishable by up to two years in prison. The law encompasses sexual advances in the workplace or educational institutions and between service providers or clients. In the workplace it applies only in hierarchical situations where the harasser is of higher rank or position than the victim.

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 generally were available in urban but not rural areas. The Population Reference Bureau recorded contraceptive use among married women at 81 percent and noted that 97 percent of births were attended by

skilled personnel. Impoverished and rural women, however, were less likely to have skilled attendants.

Discrimination.—A cabinet-level office, the Secretariat for Women's Policy, oversees a special entity charged with overseeing the legal rights of women. Women's labor force participation (75 percent) was below that of men (85 percent), and women were more likely to work in the informal sector. Although the law prohibits discrimination based on gender in employment and wages, there were significant wage disparities between men and women. According to the MTE, women often were paid less than men in the same functions.

Children.—Birth Registration.—Citizenship is derived from birth in the country or from a parent. According to 2010 Institute of Geography and Statistics (IGBE) census data, there were approximately 599,000 unregistered children nationwide. The number reflected children who did not have birth certificates once they reached 10 years of age, and experts believed the number was especially elevated among isolated populations in the states of Roraima, Amazonas, and Mato Grosso do Sul. Without birth certificates children cannot be vaccinated or enrolled in school. If the problem persists into adulthood, an unregistered adult cannot obtain a worker's card or receive retirement benefits.

The CNJ, in partnership with the SDH, aimed to reduce the number of such children by registering children born in maternity wards. The CNJ also implemented a program to encourage fathers to acknowledge their children and take responsibility for them. In 2009 there were almost five million children and adolescents who held birth certificates with only the mother's name.

Child Abuse.—Abuse and negligence of children and adolescents were problems and included rape, molestation, and impregnation of girls by family members. The SDH oversees the National Program to Confront Sexual Violence Against Children and Adolescents, which established nationwide strategies for combating child sexual abuse and best practices for treating victims.

From January to August, the SDH-operated Dial 100, a hotline that receives complaints of sexual abuse against children and adolescents, logged 380,619 complaints, compared with 160,933 during all of 2010. Of these, 50,866 reports concerned abuse, compared with 30,543 in 2010. According to the SDH, the rise was due to increased national awareness of what constitutes sexual abuse.

Between January and March, there were 1,179 reported cases of sexual exploitation, 3,133 of sexual abuse, 5,557 of neglect, and 5,841 of physical or psychological violence. Approximately 56 percent of the victims between January and February were girls; the most common complaints were negligence and sexual violence.

The NGO Social Service for Industry (SESI) operated child protective service centers in 12 state capitals. The program served 1,800 adolescents between 16 and 21 who received psychological counseling, medical attention, legal advice, and technical schooling.

According to data released on August 9 by the National Register of Sheltered Children (CNCA), there were 33,361 children and adolescents living in shelters provided by NGOs, churches, and other religious organizations throughout the country.

The Death Threat Protection Program for Children and Adolescents (PPCAAM) brought in 282 children and adolescents and 458 families in the first quarter of the year. Sixty percent of those shielded by the program had received death threats due to involvement in drug trafficking, and 68 percent entered the program accompanied by one or more family members. The program offers psychological counseling and technical courses to reinsert these youth into stable community situations.

Sexual Exploitation of Children.—The law sets a minimum age for consensual sex of 14 years, with the penalty for statutory rape ranging between eight and 15 years in prison. The country was a destination for child sex tourism. While no specific laws address child sex tourism, it is punishable under other criminal offenses. According to data from the SDH, University of Brasilia, UNICEF, and ILO, more than 100,000 children were victims of sexual exploitation each year. More than 900 municipalities, half of which were in the Northeast, served as tourist destinations for the sexual exploitation of children and adolescents.

In June the National Evangelical Movement for Social Action launched the Campaign Against Child Sex Tourism in advance of the 2014 World Cup. In early July the Para Tourism Company, in conjunction with the Sustainable Tourism Program, committed to distributing 7,000 leaflets in seven municipalities along the Tapajos River in the Amazon region.

On July 12, Minister Iriny Lopes, head of the SPM; Minister Maria do Rosario Nunes, head of the SDH; and Federal Police investigators announced increased efforts to combat sexual tourism in the Amazon region. The measure was spurred by allegations that a foreigner operated a charter fishing operation as cover for sexual

tourism that exploited young indigenous women and girls. An investigation, which began in 2008, continued at year's end.

The law criminalizes child pornography. The penalty for possession of child pornography is up to four years in prison and a fine. Those who produce, reproduce, or offer for sale child pornography or recruit a child to participate in a pornographic production may be imprisoned up to eight years and fined.

Although the country is not a large-scale producer of child pornography, such material was spread on social networking Web sites. The Public Ministry, Dial 100, and the NGO Safernet, in partnership with the Federal Police, registered 19,311 child pornography complaints between January 1 and July 1, compared with 30,601 complaints in the same period in 2010.

The Ministry of Tourism continued to promote its code of conduct to prevent the commercial sexual exploitation of children in the tourism industry. The Federal Highway Police and ILO published data in places such as gas stations, bars, restaurants, motels, and nightclubs along highways considered areas for sexual exploitation of children and adolescents.

The Rio de Janeiro Municipal Secretariat for Social Assistance had 14 social assistance centers and 23 shelters (eight public and 15 private) to assist child and adolescent victims of sexual abuse and exploitation. Between January and August, the centers assisted 504 young victims, compared with 370 in 2010. The secretariat attributed the growth to the increased number of centers. Of the 504 cases, 371were victims of sexual abuse and 103 were victims of sexual exploitation.

International Child Abductions.—The country is 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.—According to the Jewish Federation, there were approximately 125,000 Jewish residents, of whom approximately 65,000 were in the state of Sao Paulo and 40,000 in Rio de Janeiro State. It is illegal to write, edit, publish, or sell books that promote anti-Semitism or racism. The law enables courts to fine or imprison anyone who displays, distributes, or broadcasts anti-Semitic materials and mandates a two- to five-year prison term.

On February 9, Rio de Janeiro civil police indicted three students under a federal racial crime law for fomenting Nazism. Further investigation led to the seizure in the students' homes of computers and magazines alluding to Nazism.

According to Safernet, there were approximately 300 neo-Nazi cells, 90 percent of them in the states of Sao Paulo, Santa Catarina, Parana, and Rio Grande do Sul. Safernet estimated that each cell consisted of approximately 40 individuals. In the city of Sao Paulo, there were isolated incidents of anti-Semitism, including physical and verbal attacks against Jewish persons, anti-Semitic graffiti, and displays of neo-Nazism.

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, and access to health care, and the federal government effectively enforced these provisions. While federal and state laws provide for access to buildings for persons with disabilities, states did not enforce them effectively.

Federal laws establish the basic rights to accessibility and access to information for persons with disabilities. The National Council for the Rights of Handicapped Persons and the National Council for the Rights of the Elderly, both within the SDH, have primary responsibility for promoting the rights of persons with disabilities. According to the SDH, specific problems included the short supply of affordable orthotics and prosthetics, scarcity of affordable housing with special adaptations, need for more accessibility to public transport, and shortage of schools with facilities for physically challenged persons.

Beginning in July all residences built under the second version of the Ministry of Cities' public housing program must be constructed to meet accessibility standards for persons with disabilities.

In July the Sao Paulo state governor launched the Fast Track Employment Program, which offers public financial assistance for vocational training in 330 of 628 state public-sector job vacancies to persons with disabilities.

*National/Racial/Ethnic Minorities.*The law prohibits racial discrimination, specifically the denial of public or private facilities, employment, or housing to anyone based on race. The law also prohibits, and provides prison terms for, the incitement of racial discrimination or prejudice and the dissemination of racially offensive sym-

bols and epithets. However, darker-skinned citizens, particularly Afro-Brazilians, frequently encountered discrimination.

The 2010 census reported for the first time that white persons constituted less than half the population of 190,755,799. A total of 91,051,646 claimed to be white, while 99,697,545 identified themselves as belonging to other categories.

Afro-Brazilians continued to be underrepresented in the government, professional positions, and middle and upper classes. They experienced a higher rate of unemployment and earned average wages below those of whites in similar positions. There was also a sizeable racial education gap.

According to 2010 census data, 76.2 percent of the state of Bahia was black and 79.4 percent of the capital city, Salvador, was black, yet the percentage of blacks serving in state and municipal legislatures was small. Both bodies were seeking to institute racial quotas to reverse this trend.

According to the Rio de Janeiro State Secretariat for Social Assistance and Human Rights, fewer than 10 of the state's 800 public defenders were black and only one of the state's 200 public prosecutors was black.

The Getulio Vargas Foundation survey of income inequality, released on May 3, showed a decline in income inequality from 2000 to 2010. The report revealed that the income of blacks rose 43 percent over the decade, compared with 21 percent for whites. Education was seen as the primary factor contributing to income growth (55 percent), while government social programs such as Bolsa Familia (15 percent) also played a role.

The July 2010 Racial Equality Statute continued to be controversial, due to its provision for nonquota affirmative action policies in education and employment.

According to a 2009 report by the Ministry of Education, 53 of 2,314 universities maintained affirmative action programs, including 40 major public universities in the Federal District and the states of Sao Paulo, Rio de Janeiro, Minas Gerais, Espirito Santo, and Bahia. A total of 5,834 self-declared students of color attended state and federal universities under the quota system in 2009.

At year's end the right of communities of descendants of escaped slaves (quilombos) to receive title to their land had not been fully implemented.

Indigenous People.—According to data from the National Indigenous Foundation (FUNAI), National Health Foundation (FUNASA), and 2010 census, there were approximately 818,000 indigenous persons, or 0.4 percent of the total population. Approximately 315,000 lived in urban areas, while almost 503,000 lived in 4,774 villages spread over 677 indigenous lands covering 12 percent of the national territory, including at least 448 municipalities in 24 states. Approximately 99 percent of the indigenous lands are concentrated in the Amazon. The law grants the indigenous population broad protection of their cultural patrimony and exclusive use of their traditional lands. The law provides indigenous persons exclusive beneficial use of the soil, waters, and minerals on indigenous lands, but Congress must approve each case.

While the 1988 constitution charges the federal government with demarcating indigenous areas within five years, the government had not completed the four phases of demarcation (identification, declaration, approval, and registration). The Supreme Court's 2009 decision upholding demarcation of the Raposa Serra do Sol indigenous reserve bordering Venezuela and Guyana set a precedent in favor of demarcation of indigenous lands as single contiguous territories. Nonetheless, problems remained in enforcing the integrity of the territories.

The Maraiwatsede reserve in the state of Mato Grosso, home to the Xavante indigenous group, was demarcated in 1998, yet illegal, nonindigenous settlers continued to reside in the reserve. The indigenous community of approximately 3,000 was forced to live on only 10 percent of the demarcated territory. On June 19, a Mato Grosso federal court ordered the expulsion of nonindigenous inhabitants from the reserve within 20 days, but on July 1, the eviction order was rescinded to allow time for the court to hear from the defense. The case remained pending at year's end.

Delays in the demarcation of indigenous reserves perpetuated violence against indigenous peoples. On August 23, men suspected to be employees of neighboring farms attacked a group of approximately 125 families from the Guarani-Kaiowa tribe in their roadside camp near the town of Iguatemi, Mato Grosso do Sul. The families had recently returned to ancestral lands undergoing demarcation. Tribal leaders appealed to the state prosecutor and FUNAI for help, but neither party was forthcoming, and there was no police investigation, nor were any arrests made. Despite public support from the state government of Mato Grosso do Sul, the police, and FUNAI, the camp's remote location made such support difficult to implement.

On November 18, Nisio Gomes, a Guarani-Kaiowa chief, was killed near his tribe's camp in the same area of Mato Grosso do Sul. Gunmen hired by ranchers

intent on driving the Guarani-Kaiowa from the contested land were suspected. Activists claimed that local police failed to investigate the violence.

According to a 2009 Ministry of Education report, 53 of 2,314 state and federal universities continued to reserve entrance slots for indigenous persons. In 2009, 154 indigenous students attended state and federal universities under the quota system.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Federal law does not prohibit discrimination based on sexual orientation, but several states and municipalities such as Sao Paulo have administrative regulations that bar discrimination based on sexual orientation and provide for equal access to government services.

During the year the NGO Bahia Gay Group received approximately 255 reports of killings based on sexual orientation and gender identity, compared with 260 in 2010. Gay men were the most affected group, followed by transgender persons and lesbians.

On July 15, in Sao Joao da Boa Vista, Sao Paulo, a father and son were beaten by a group of boys who suspected that the two were gay.

According to the SDH, the Dial 100 hotline received 560 complaints of violence against lesbian, gay, bisexual, and transgender persons in the first half of the year; 20 percent of the complaints were registered in the city of Sao Paulo.

According to a representative of the Secretariat of Human Rights, many transgender persons and transsexuals had difficulty formally entering the labor market or study programs, due to the fact that a discrepancy between the photograph on an individual's labor card and the personal appearance of the individual holding the card can prevent the individual from obtaining permission to work. A new labor card can be obtained only through a labor court, but most presiding judges adhered to a strict biological interpretation of gender or held an outright bias against transgender persons and transsexuals. The Sao Paulo state government offered a mobile assistance unit to transgender persons that helped approximately 300 such persons per month.

Other Societal Violence or Discrimination.—There were no reported cases of societal violence or discrimination against persons with HIV/AIDS or other groups not mentioned above.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law provides for union representation of all workers (except members of the military, the uniformed police, and firefighters) but limits organizing at the enterprise level and imposes a mandatory union tax on workers and employers. The law provides the right to strike to all workers except the armed forces, military police, and firefighters. The civil police are allowed to conduct strikes, and workers exercised this right in practice. The law prohibits antiunion discrimination, including the dismissal of employees who are candidates for or holders of union leadership positions, and requires employers to reinstate workers fired for union activity.

New unions must register with the MTE, which accepts the registration unless objections are filed by other unions. The law stipulates certain restrictions, such as "unicidade" (in essence one per city), which limits freedom of association by prohibiting multiple, competing unions of the same professional category in a given geographical area. Unions that represent workers in the same geographical area and professional category may contest registration. If the objection is found valid, the MTE does not register the union. While a number of competing unions existed, the MTE and courts enforced unicidade in decisions regarding the registration of new unions. Most elements of the labor movement and the International Trade Union Confederation criticized unicidade.

The law stipulates that a strike may be ruled "abusive" by labor courts and be punishable if a number of conditions are not met, such as maintaining essential services during a strike, notifying employers at least 48 hours before the beginning of a walkout, and ending a strike after a labor court decision. Employers may not hire substitute workers during a legal strike or fire workers for strike-related activity, provided that the strike is not ruled abusive.

The law obliges a union to negotiate on behalf of all registered workers in the professional category and geographical area it represents, regardless of whether an employee pays voluntary membership dues to it. The law permits the government to reject clauses of collective bargaining agreements that conflict with government policy. Collective bargaining is effectively prohibited in the public sector; the constitution allows it, but implementing legislation has not been enacted. The law prohibits the dismissal of employees who are candidates for or holders of union leadership positions.

Authorities at times did not effectively enforce laws protecting union members from discrimination. Some labor courts charged with resolving disputes involving unfair dismissal, working conditions, salary disputes, and other grievances were slow. Parties generally agreed that cases were decided fairly.

Freedom of association was generally respected in practice, but there were a few notable exceptions. During a week-long strike in November, state-run oil company Petrobras was accused of antiunion practices, including restricting the access of union officials to employees operating on oil platforms off the coast of Santa Catarina and Parana and discouraging employees from participating in demonstrations. Collective bargaining was widespread in formal sector establishments of the private sector. Worker organizations were independent of the government and political parties, and there was no government interference in union activities.

In practice employers fired strike organizers for reasons ostensibly unrelated to strikes, and legal recourse related to retaliatory discharge, although improving, was often a protracted process. In April the Ninth Regional Labor Court in Curitiba, Parana, fined the state's multimedia information firm Celepar 10,000 reais ($5,400) for discriminating against a union leader employee who had been passed over for promotions and subject to harassment as a result of his union activities. Most informal sector workers did not benefit from union representation.

Intimidation and killings of rural union organizers and their agents continued. On May 24, gunmen killed union leaders Jose Claudio Ribeiro da Silva, president of the National Council of Extractive Populations, and his wife, Maria do Espirito Santo, in Nova Ipixuna, Para (see section 1.a.).

b. Prohibition of Forced or Compulsory Labor.—The law prohibits "reducing someone to a condition analogous to slavery," and the government acted to enforce the law. Violators of forced or compulsory labor laws face sentences of up to eight years in prison. The law also provides penalties for various crimes related to forced labor, such as recruiting or transporting workers or obliging them to incur debt as part of a forced labor scheme.

Forced labor, including by children, occurred in many states, in work such as clearing forest to provide cattle pastureland, logging, raising livestock, and other agriculture activities. Forced labor often involved young men drawn from the impoverished northeastern state—Maranhao, Piaui, Tocantins, Para, and Ceara—and the central state of Goias to work in the northern and central-western regions of the country. Cases of forced labor were also reported in sweatshops in the city of Sao Paulo; the victims were often men, women, and children from neighboring countries, particularly Bolivia and Paraguay. Efforts against forced labor were hindered by failure to impose effective penalties, the remoteness of the area where the crime typically occurred, lack of awareness of rights, and delays in judicial procedure that resulted in de facto impunity for those responsible. Accurate, nationwide statistics on prosecutions for forced labor cases were not available.

Women and adolescents, the latter typically working with their parents, also were involved in forced labor activities, often inside the home. The ILO estimated that there were approximately 25,000 forced laborers at any given time during the year.

During the year the MTE freed 2,271 laborers from conditions analogous to slavery in 158 unannounced inspections of 320 properties, compared with 2,628 laborers in 143 unannounced inspections of 309 properties in 2010. Additionally, the Federal Police reported that they had opened 323 forced labor investigations in 2010. According to the Pastoral Land Commission's 2010 report published in February, the largest concentration of forced labor remained in the cattle-raising industry (52 percent of reported cases and 29 percent of released workers). This number included forced laborers involved in deforestation activities, frequently associated with ranching.

The National Commission to Eradicate Forced Labor coordinates government efforts to combat forced labor and provides a forum for input from civil society. MTE's Mobile Inspection Unit is an important instrument in the fight against forced labor. Using teams composed of labor inspectors, labor prosecutors from the Federal Labor Prosecutor's Office, and Federal Police officers, the unit conducts surprise inspections of properties on which slave labor is suspected or reported.

Often working in dangerous conditions, mobile teams levied fines on landowners who used forced labor and required employers to provide back pay and benefits to workers before returning the workers to their municipalities of origin. Workers freed by mobile units are entitled to three months' salary at the minimum wage. The MTE paid out 5.3 million reais ($2.8 million) in back pay during the year. However, few specialized services were provided to these workers, and NGOs noted a high revictimization rate. Mato Grosso funded a program to provide vocational training and other services to freed slave laborers.

In November, 10 workers found in a situation of forced labor were released from the Fazenda Outeiro Grande farm in Sao Mateus, Maranhao State. The inspection was conducted by the Regional Superintendent of Labor and Employment of Maranhao in conjunction with the MTE and Federal Police. The farm owner sold boots, sickles, soap, and other goods to the workers and deducted the inflated prices from their wages. The wages paid were less than the minimum wage and thus insufficient to pay for the goods, resulting in a situation of debt bondage. The laborers slept in a schoolhouse without functioning plumbing. Water for drinking, cooking, bathing, and washing clothes was taken from a nearby pond that was also used by farm animals. The owner of the farm, Antonion Evaldo de Macedo, had previously appeared on MTE's "dirty list" between 2008 and 2010.

The MTE publishes a "dirty list" to publicly expose names of employers (persons or legal entities) caught using slave labor. Created in 2004, the list is updated every six months by the MTE's Secretariat of Labor Inspections and is available on the MTE Web site. Inclusion on the "dirty list" has serious financial consequences in that public financial institutions, such as the Bank of Brazil, Bank of Amazonia, Northeast Bank, and Brazilian Development Bank as well as many private banks deny credit and other services to listed individuals and companies. The list contained 294 names at year's end, up from 220 at the end of 2010.

Efforts of the federal government are supported by a number of state initiatives, and several states have state commissions for the eradication of forced labor. On September 27, the Sao Paulo State governor created the State Commission for the Eradication of Forced Labor (Coetrae). The group is coordinated by the Secretariat of Justice and works in tandem with the Nucleus for Trafficking in Persons. Coetrae's goal is to evaluate and follow cases, monitor the legal situation regarding forced labor, conduct research on trends, and oversee the coordination between the secretariat and NGOs.

On December 8, owner Avelino de Dea and foreman Jose Henrique Vanzetto were sentenced to seven years and 10 months, and five years and seven months, respectively, for reducing 59 employees to working conditions analogous to slavery on a cattle farm in Itupiranga, Para, in 2007. On December 16, cattle rancher Rodrigo Baltazar Pereira was sentenced to six years and one month in a halfway house for reducing 11 employees to working conditions analogous to slavery on a farm Montividiu, Goias, in 2006. Consolidated information on prosecutions and sentences in the area of forced labor were difficult to compile given the large number of labor courts and delays in implementing a central registry tracking their actions.

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, and apprenticeships may begin at age 14. The law bars all minors under age 18 from work that constitutes a physical strain or occurs in unhealthy, dangerous, or morally harmful conditions. In 2008 domestic service was added to the list of hazardous work prohibited for minors under 18. The law requires parental permission for minors to work as apprentices. The MTE found that between 2005 and 2010, judges allowed 33,000 children under 16 to engage in the worst forms of child labor, including construction, agriculture, and garbage scavenging.

The MTE is responsible for inspecting worksites to enforce child labor laws. Most inspections of children in the workplace were driven by complaints brought by workers, teachers, unions, NGOs, and the media. Labor inspectors remained unable to enter private homes and farms, where much of the nation's child labor occurred. Fines imposed by inspectors in 2010 totaled 7.7 million reais ($4.1 million), but NGOs asserted that fines are usually too small to serve as an effective deterrent.

The government implemented innovative programs to prevent child labor, including the Program to Eradicate Child Labor (PETI), coordinated by the Ministry of Social Development and Combating Hunger with state and local authorities. Through PETI families with children seven to 15 years of age working in selected hazardous activities receive monthly cash stipends to keep their children in school. Also through the ministry, the Bolsa Familia program provides a monthly stipend to low-income families that keep their children up to age 17 in school and meet certain child health requirements. PETI serviced more than 850,000 children in 3,500 municipalities. The Bolsa Familia served more than 12 million households nationwide. The government also continued to cooperate with the ILO in projects to eradicate child labor in the states of Bahia and Mato Grosso.

The National Forum for the Eradication and Prevention of Child Labor helped to coordinate government and civil society interventions to combat child labor. The forum continued its national campaign, the Red Card Against Child Labor, launched in June 2010, to bring attention to the plight of child laborers.

Nevertheless, child labor continued to be a problem. The 2009 IBGE National Household Survey (PNAD), reflecting the most recent data available, showed that 4.25 million of an estimated 44 million children between the ages of five and 17 were engaged in some form of child labor. According to 2010 data from the MTE, the majority of those were employed in street vending (42 percent), followed by automobile washing (10 percent), manufacturing (8 percent), and agriculture (3 percent).

According to a study released on December 28 conducted by the newspaper Folha de Sao Paulo and based on 2010 census data, more than one million children between the ages of 10 and 14, or 6 percent of the total, worked in 2010. The study noted that the problem was worse in the north, where one in 10 children worked, either paid or unpaid. The 2010 census reported that 132,000 children between the ages 10 and 14 were the sole providers for their families. Approximately half of child laborers received no income, and 90 percent worked in the unregistered informal sector. Slightly more than half of child laborers worked in rural areas. The study also found that 95 percent of the children who worked also attended school.

According to MTE data, 10,345 children and adolescents were found in situations that violated minimum-age laws in 7,024 unannounced inspections during the year. A majority, 83 percent, of those found were young boys. In 2010, 3,279 inspections found 5,620 children and adolescents employed in violation of minimum-age laws.

Children worked in agriculture, including in the production of coffee, sugarcane, cotton, manioc, soybeans, rice, and tobacco. Children were also involved in raising livestock.

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 January the minimum wage increased to 545 reais ($292) per month. According to 2010 IBGE data released on June 2, 56 percent of households had per capita incomes of less than the minimum wage. Between 2001 and 2009, the income growth rate of the poorest 10 percent of the population was 7 percent per year, while that of the richest 10 percent was 1.7 percent, decreasing income inequality. Nevertheless, a 2010 IGBE study revealed 8.5 percent of the population (16.2 million) was considered "extremely poor" or earning less than 70 reais per month ($38).

The law limits the workweek to 44 hours and specifies a weekly rest period of 24 consecutive hours, preferably on Sundays. The law also provides for paid annual vacation, prohibits excessive compulsory overtime, and stipulates that hours worked above the weekly limit must be compensated at time-and-a-half pay; these provisions generally were enforced in the formal sector.

The MTE sets occupational, health, and safety standards that are consistent with internationally recognized norms, although unsafe working conditions were prevalent throughout the country. The law requires employers to establish internal committees for accident prevention in workplaces. It also protects employees from being fired for their committee activities. Individual workers did not have the legal right to remove themselves from the workplace when faced with hazardous working conditions.

The MTE's Mobile Inspection Unit was an effective instrument in the fight against forced labor. Unit teams conducted surprise inspections of properties on which slave labor was suspected. The teams freed 2,271 persons who had been "reduced to a condition analogous to slavery" during the year. (By law the concept of slave labor includes not only forced and compulsory labor but also extremely arduous labor and labor performed in degrading working conditions.) The MTE conducted 158 unannounced inspections of 320 properties during the year, compared with 143 inspections in 2010.

On August 16, MTE investigators and Federal Police agents discovered 15 Bolivians working in two Sao Paulo clothing manufacturing shops contracted by the company AHA, a supplier for Spanish clothing retailer Zara. The group had been forced to work 16-hour days at compensation below the minimum wage. Although Bolivians are legally able to work in the country, this fact was kept from the workers by the shop owners. The Labor and Employment Secretariat of Sao Paulo, a local office under the MTE, led the investigation after a May audit uncovered 52 workers, most of whom were Bolivian, working under illegal safety conditions in more than 30 workshops throughout the state.

According to the Institute for Applied Economic Research, the informal sector shrank by 1.6 percent in the first six months of the year, compared with the same period in 2010, to an average of 35.6 percent, the lowest level since 2003. Most unregistered workers were in the agricultural sector. Not all foreign migrant workers, informal sector workers, and unregistered workers were subject to hazardous working conditions, but these groups were at a higher risk of being subjected to such conditions and/or to working conditions analogous to slave labor.

There were no major industrial accidents during the year in which workers were injured or killed.

CANADA

EXECUTIVE SUMMARY

Canada is a constitutional monarchy with a federal parliamentary government. In a free and fair multiparty federal election held on May 2, the Conservative Party, led by Stephen Harper, won a majority of seats in the federal Parliament and formed a government. Security forces reported to civilian authorities, who maintained effective control over the forces.

The principal human rights problems included violence against women and disparities in access to government services between indigenous and nonindigenous peoples.

Other human rights problems included alleged abuse of civil rights by law enforcement officials, trafficking in persons, and harassment of persons belonging to religious and racial minorities.

The government took steps to prosecute and punish all government 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. Authorities investigate and publicly report all fatalities that occur as a result of police action or in police custody.

On February 10, the Royal Canadian Mounted Police (RCMP) announced that it had addressed or was in the process of addressing all 16 recommendations on taser use issued by the Commission for Public Complaints Against the RCMP (CPC). The CPC's recommendations resulted from the investigation into the death of Robert Dziekanski in 2007 after four RCMP officers stunned him with a taser at Vancouver International Airport. On May 12, British Columbian authorities filed perjury charges against the four officers in connection with their testimony before the CPC on their confrontation with Dziekanski. On June 2, the British Columbian government passed legislation to establish the Independent Investigations Office, a civilian-led agency to investigate incidents involving police causing death or serious injury. The new office's mandate extends to all police forces operating in the province, including the federal RCMP. The creation of the office was a key recommendation of the Braidwood Commission, a public inquiry into Dziekanski's death and taser-use policies.

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 isolated reports of degrading treatment by law enforcement officials. Investigations into allegations of physical assault and inappropriate searches of prisoners by the Ottawa Police Service (OPS) in the OPS's cellblocks during 2010 remained pending at year's end.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards, and the government permitted monitoring in accordance with its standard modalities by independent nongovernmental observers.

In 2009 there were approximately 38,000 inmates and detainees, including 1,640 juveniles, and the official prison capacity was 38,600. In its 2009-10 report, the Office of the Correctional Investigator found that 532 offenders died in federal custody between 1998 and 2008. Of these fatalities, 107 were suicides, 36 were homicides, and the remainder from a range of known causes, including natural death and accident. Women comprised approximately 4 to 6 percent of the total number of prisoners. Prisoners and detainees had reasonable access to visitors, were permitted religious observance, and could submit complaints to judicial authorities without censorship. Authorities investigated credible allegations of inhumane behavior and documented the results of such investigations in a publicly accessible manner. The government investigated and monitored prison and detention center conditions. There is a prison ombudsman.

On July 13, an Ontario court sentenced a correctional officer to a 60-day prison term for an unprovoked assault in 2009 on a prisoner in Maplehurst Correctional Centre; the officer was also dismissed from the prison service. An investigation found three other officers complicit in the assault.

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.—National, provincial, and municipal police forces maintain internal security. Canadian armed forces are responsible for external security, but in exceptional cases may exercise some domestic security responsibility at the formal request of civilian provincial authorities. Civilian authorities maintained effective control over the RCMP and provincial and municipal police forces, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in Detention.—Authorities generally apprehended persons openly with warrants. A judge may issue a warrant after being satisfied that a criminal offense may have been committed. A person arrested for a criminal offense has the right to a prompt, independent judicial determination of the legality of the detention; authorities respected this right in practice. Authorities provided detainees with timely information as to the reason for the arrest, ensured prompt access to a lawyer of the detainees' choice and, if indigent, to one provided by the state, and granted prompt access to family members. Bail generally was available. Suspects were not detained incommunicado or held under house arrest. Detainees were released immediately after being charged, unless a judge deemed continued detention necessary to ensure the detainee's attendance in court, for the protection or safety of the public, or due to the gravity of the offense. Persons subject to continued detention had the right to judicial review of their status at regular intervals.

In December the Ontario Ministry of the Attorney General reported that 330 persons had appeared before provincial courts on charges related to public protests, violence, and vandalism during the 2010 G-20 summit in Toronto. Courts completed proceedings against 292 of these individuals by staying, withdrawing, or dismissing charges, diverting charges by requiring individuals to make charitable donations, or closing files due to errors in charge sheets. Thirty-two persons pled guilty. Separately, the cases of 34 individuals remained before the courts at year's end. During the summit, police had arrested approximately 1,100 individuals and released more than 800 without charge. Civil liberties' groups alleged that police had arrested individuals arbitrarily; police and provincial agencies opened five separate reviews of police conduct at the summit, all of which continued at year's end.

Noncitizens may be detained and deported on national security grounds under immigration security certificates. The government issues certificates on the basis of confidential evidence presented to two cabinet ministers by intelligence or police agencies and reviewed by a federal court judge who determines "reasonableness" and upholds or revokes the certificate. A judge may order an individual detained during the security-certificate determination process if the government considers that the individual presents a danger to national security or is unlikely to appear at the proceeding for removal, and may impose conditions on release into the community, including monitoring. Individuals subject to a security certificate may see a summary of confidential evidence against them. Authorities provide full disclosure to court-appointed, security-cleared lawyers ("special advocates") who can review and challenge the evidence on behalf of these individuals, but may not share or discuss the material with them. The law establishes strict rules on the disclosure and use of secret evidence, prohibits the use of evidence if there are reasonable grounds to believe authorities obtained it as a result of torture, and provides mechanisms for review and appeal. At year's end three individuals were subject to security certificates and lived in the community subject to restrictions.

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

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The judicial system is based on English common law at the federal level as well as in most provinces. In Quebec, civil law is derived from the Napoleonic Code; however, criminal law is the same nationwide. Trials are public, and defendants have a right to have their case heard before a judge alone or, for more serious cases, before a judge and jury. Defendants have the right to be present and to consult with an attorney in a timely manner. The government provides an attorney at public expense if needed when defendants face serious criminal charges, and defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys generally have access to government-held evidence relevant to their cases. Defendants also enjoy a presumption of innocence and have a right of appeal.

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

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters and access to a court to bring a suit seeking damages for, or cessation of, a human rights violation. No mechanism existed for plaintiffs to appeal decisions to an international regional court. Remedies can be monetary, declaratory, or injunctive. Federal or provincial human rights commissions may also hear alleged human rights violations, although these bodies follow differing standards and procedures.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—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. Individuals could criticize the government publicly or privately without reprisal. The independent media were active and expressed a wide variety of views without restriction.

Freedom of Speech.—The Supreme Court has ruled that the government may limit free speech in the name of goals such as ending discrimination, ensuring social harmony, or promoting gender equality. It also has ruled that the benefits of limiting hate speech and promoting equality are sufficient to outweigh the freedom of speech clause in the Charter of Rights and Freedoms, the country's constitutional bill of rights. Provincial-level film censorship, broadcast licensing procedures, broadcasters' voluntary codes curbing graphic violence, and laws against hate literature and pornography also impose some restrictions on the media.

Inciting hatred (in certain cases) or genocide is a criminal offense, but the Supreme Court has set a high threshold for such cases, specifying that these acts must be proven to be willful and public. Laws prohibit speech or programming containing any abusive comment that would expose individuals or groups to hatred or contempt and empower the federal Canadian Human Rights Commission (CHRC) and the federal Canadian Human Rights Tribunal (CHRT) to enforce the law in areas of federal jurisdiction. In addition, each province has its own human rights code.

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. The CHRC investigates complaints about hate messages on Web sites and may forward cases to the CHRT for action.

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, 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 offered alternatives to refugee claimants whose cases the Immigration and Refugee Board refused. The option for judicial review through the federal courts exists. Two other remedies of last resort are available through the Department of Citizenship and Immigration, including a "preremoval risk assessment" as well as an appeal to the minister of citizenship and immigration for a waiver based on humanitarian and compassionate grounds. The government accepted refugees for resettlement from third countries and facilitated local integration (including access to naturalization), particularly of refugees in pro-

tracted situations. The government also provided temporary protection to individuals who may 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.—On May 2, the Conservative Party won a majority of seats in the federal Parliament and formed a national majority government.

Participation of Women and Minorities.—There were 76 women and seven indigenous individuals in the 308-member federal House of Commons; 38 members were born outside the country. There were 36 women and six indigenous persons in the 105-seat Senate (whose members are appointed by the governor general on the advice of the prime minister); 12 members were born outside the country. Women held 10 seats in the 39-member cabinet. Four of the nine members of the Supreme Court, including the chief justice, were women.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were isolated reports of government corruption during the year. The Federal Accountability Act provides for transparency and accountability in government. The Office of the Public Sector Integrity Commissioner reports annually on allegations of corruption. A commissioner of lobbying administers a national registry of lobbying of designated public office holders.

A conflict of interest and ethics commissioner administers the conflict of interest code for members of the House of Commons, as well as the law relating to public office holders. Provincial governments provide independent audits of government business and ombudsman services. Elected office holders (but not other public officials) are subject to financial disclosure laws for personal assets.

The law permits public access to government information, and in practice the government granted access for citizens and noncitizens, including foreign media. The law provides for denial of legal requests for information on limited and specific grounds given and cited in law, and there is a mechanism to appeal denials. The government released quarterly information on the public expenditures of senior government officials and also published expense information on individual ministerial Web sites and on a centralized Web site.

On May 13, the Supreme Court ruled that the access to information law does not provide for public access to all records from the offices of the prime minister and other ministerial offices as these offices do not qualify as "government institutions" under the law. The case resolves record requests made by various claimants almost 10 years ago.

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.

*Human Rights Commissions and Legislative Committees.*Federal and provincial human rights commissions enjoyed government cooperation, operated without government or party interference, and had adequate resources. Observers considered them effective. Parliamentary human rights committees operated in the House of Commons and the Senate. The committees acted independently of government, conducted public hearings, and issued reports and recommendations to which the government provided written, public, and timely responses.

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

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, and the government enforced legal provisions effectively.

Women.—Rape and Domestic Violence.—The law criminalizes rape, including spousal rape, as sexual assault, and the government enforced the law effectively. Penalties for sexual assault carry sentences of up to 10 years in prison, up to 14 years for sexual assault with a restricted or prohibited firearm, and between four years and life for aggravated sexual assault with a firearm or committed for the benefit of, at the direction of, or in association with, a criminal organization. The government's statistical office reported that in 2010 there were more than 22,000

reported incidents of sexual assault, sexual assault with a weapon or causing bodily harm, and aggravated sexual assault against female and male victims. Government studies indicated that victims of sexual assault reported about one in 10 incidents to police.

The law prohibits domestic violence. Although the criminal code does not define specific domestic violence offenses, an abuser can be charged with an applicable offense, such as assault, aggravated assault, intimidation, mischief, or sexual assault. Persons convicted of assault receive up to five years in prison. Assaults involving weapons, threats, or injuries carry terms of up to 10 years; aggravated assault or endangerment of life carry prison sentences of up to 14 years. The government enforced the law effectively. Studies indicated that victims of domestic violence and spousal abuse underreported incidents.

In November imams, Muslim organizations, scholars, and Muslim community leaders joined a "Call to Action to Eradicate Domestic Violence," which declared that "domestic violence and, in the extreme, practices such as killing to 'restore family honor' violate clear and nonnegotiable Islamic principles." On December 9, participating imams and Muslim leaders issued a coordinated denunciation of violence against women, including honor-based crimes.

The federal statistical agency reported that there were approximately 593 shelters for abused women; the shelters provided emergency care, transition housing, counseling, and referrals to legal and social service agencies. Shelters admitted more than 64,500 women between April 1, 2009, and March 31, 2010, of whom almost three-quarters had fled abusive situations. Six in 10 of those women had not reported their abusive incidents to police. Moreover, only 27 percent of those reported incidents resulted in formal charges.

Police received training in treating domestic violence, and agencies provided abuse hotlines. The government's family violence initiative involved 12 departments, agencies, and crown corporations, including Status of Women Canada, a cabinet ministry. These entities worked to eliminate systemic violence against women and advance women's human rights. Provincial governments made efforts to address violence against women as well, including Ontario's Sexual Violence Action Plan, a C$15 million ($14.7 million) effort to prevent sexual violence and improve support for survivors of sexual assault.

Sexual Harassment.—The law does not contain a specific offense of "sexual harassment" but criminalizes harassment (stalking), punishable by up to 10 years' imprisonment, and sexual assault, with penalties ranging from 10 years for nonaggravated sexual assault to life imprisonment for aggravated sexual assault. The government generally enforced these prohibitions.

Reproductive Rights.—Couples and individuals enjoyed the right to decide freely and responsibly the number, spacing, and timing of children without government interference, and to have the information and means to do so free from discrimination, coercion, and violence. The publicly funded medical system provided access to contraceptive services and information, prenatal care, skilled attendance during childbirth, and essential obstetric and postpartum care. Women had equal access with men to diagnosis and treatment for sexually transmitted infections.

Discrimination.—Women have marriage and property rights, as well as rights in the judicial system, equal to those of men. They were well represented in the labor force, including business and the professions. Women did not experience systemic economic discrimination in access to or in the terms of employment, credit, or pay equity for substantially similar work, or owning and/or managing businesses, although some equality and labor groups reported that women represented less than one fifth of senior officers in top executive positions in the private sector. The federal statistical agency reported that hourly wages for women were, on average, about 17 percent less than for men. Women did not experience discrimination in education or housing.

Status of Women Canada promoted the legal rights of women. Employment equity laws and regulations cover federal employees in all but the security and defense services. However, Aboriginal women living on reserves (where land is held communally) lack matrimonial property rights.

On October 31, the Canadian Human Rights Tribunal awarded nurses working for the Canada Pension Plan C$2.3 million ($2.25 million) in damages for pay equity discrimination dating back to the 1970s. On November 17, the Supreme Court awarded female postal workers at Canada Post C$150 million ($147 million) to settle a landmark pay-equity dispute that originated in 1983.

Children.—Birth Registration.—Citizenship is derived both by birth within the country's territory and from one's parents. Births are registered immediately, and

there were no reports of the government's denying public services, such as education or health care, to those who failed to register.

Child Abuse.—The federal statistical agency recorded that almost 55,000 children and youth were victims of police-reported violent crime in 2009, including approximately 41,000 assaults and 14,000 sexual assaults. Studies indicated that family members or individuals known to the victim represented a vast majority of the offenders. Most victims were girls, especially in sexual assault cases.

Sexual Exploitation of Children.—The minimum age of consensual sex is 16 years. Persons convicted of living off the proceeds of prostitution of a child under age 18 face between two and 14 years' imprisonment. Persons who aid; counsel; compel; use, or threaten to use, violence, intimidation, or coercion in relation to a child under age 18 to engage in prostitution face between five and 14 years' imprisonment. Persons who solicit or obtain the sexual services of a child under age 18 face between six months' and five years' imprisonment.

The law prohibits accessing, producing, distributing, and possessing child pornography. Maximum penalties range from 18 months' imprisonment for summary offenses to 10 years' imprisonment for indictable offenses.

International Child Abductions.—The country is 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.—Approximately 1 percent of the population is Jewish.

The B'nai Brith Canada League for Human Rights received 1,306 reports of anti-Semitic incidents in 2010, a 3.3 percent increase from 2009. More than half of such reports came from the province of Ontario. The reports included 965 cases of harassment, 317 cases of vandalism, and 24 cases of violence. There were 32 cases involving attacks on synagogues, 139 involving private Jewish homes, and 26 involving community centers. Jewish students reported 86 cases of anti-Semitic incidents on university campuses, compared with 137 in 2009; another 84 involved primary and secondary school settings, compared with 73 in 2009. B'nai Brith also received 564 reports of Web-based hate activity, almost a 30 percent increase from 2009.

On March 25, the government passed a law with support from all parties to build a National Holocaust Monument in the national capital. The monument will commemorate Holocaust victims, promote tolerance and human rights, and educate visitors.

In early August vandals spray-painted swastikas and anti-Semitic messages on several synagogues in Toronto. Political leaders denounced the acts. Police investigations did not produce any arrests by year's end.

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, and mental disabilities in employment, education, access to health care, or the provision of other state services or in other areas, and the government effectively enforced these prohibitions. The government effectively implemented laws and programs mandating access to buildings, information, and communications for persons with disabilities.

A class-action lawsuit against the Huronia Regional Centre, a former facility operated by the province of Ontario for persons with developmental disabilities, which was filed in 2010 by former residents alleging systemic abuse and neglect, remained pending at year's end. In August a court in Ontario allowed two similar lawsuits against the Rideau Regional Centre and the Southwest Regional Centre to proceed.

Proper facilities existed for the treatment of the mentally ill, but mental health advocates asserted that the prison system was not sufficiently equipped or staffed to provide the care necessary for those in the criminal justice system, resulting in cases of segregation and self-harm.

*National/Racial/Ethnic Minorities.*According to the Federal Statistical Agency, 1,473 incidents of hate crimes were reported to police in 2009 (an increase of 42 percent from 2008), of which 54 percent were motivated by race or ethnic bias. Blacks constituted the most commonly targeted racial group, accounting for 38 percent of racially motivated incidents, followed by South Asians at almost 13 percent. Racially motivated crimes against Arabs or West Asians increased from 37 incidents in 2008 to 75 in 2009. Approximately 40 percent of the hate crimes reported to police were violent.

On May 11, after a year-long investigation, the Quebec Human Rights Commission released a report finding that ethnic minorities in the province, and especially

in Montreal, were subject to "targeted and disproportionate scrutiny by police forces." The commission recommended that the provincial government take remedial measures, including the amendment of the Quebec Charter of Rights, Police Act, and police code of ethics to prohibit racial profiling. The commission also recommended that government departments adopt action plans to tackle racial profiling and that police academies implement antiracism training.

Indigenous People.—Indigenous people constituted approximately 4 percent of the national population and higher percentages in the country's three territories: Yukon, 25 percent; Northwest Territories, 50 percent; and Nunavut, 85 percent. Disputes over land claims, self-government, treaty rights, taxation, duty-free imports, fishing and hunting rights, and alleged police harassment were sources of tension. Indigenous people remained underrepresented in the workforce; overrepresented on welfare rolls and in prison populations; and more susceptible to suicide, poverty, chronic health conditions, and sexual violence than other groups.

The law recognizes and specifically protects indigenous rights, including those established by historical land-claims settlements. Treaties with indigenous groups form the basis for the government's policies in the eastern part of the country, but there were legal challenges to the government's interpretation and implementation of treaty rights. Indigenous groups in the west that never signed treaties continued to claim land and resources, and many continued to seek legal resolution of outstanding issues. As a result, the evolution of the government's policy toward indigenous rights, particularly land claims, depended on negotiation and/or legal challenges. Since 1973 the federal government has concluded and implemented 22 comprehensive land claims and two stand-alone self-government agreements with indigenous people. As of January 2010, the government reported that negotiations for 69 self-government and comprehensive land claims were active. As of March 31, 504 specific claims or grievances filed by indigenous people regarding the implementation of existing treaties remained unresolved, according to government reports. Indigenous groups that cannot settle specific claims through negotiation within a three-year period may refer the claim to the Specific Claims Tribunal (a judicial panel) for a decision or to the courts.

The law imposes statutory, contractual, and common-law obligations to consult with Aboriginal peoples in the development and exploitation of natural resources on land covered by treaty or subject to land claims. The Supreme Court has ruled that the federal government has the constitutional duty to consult and, where appropriate, accommodate indigenous peoples when the government contemplates actions that may adversely impact potential or established Aboriginal and treaty rights.

In March an Amnesty International report called on provincial and federal governments to address gross disparities between indigenous and nonindigenous people in access to adequate child welfare services, clean water, education, and housing. On March 8, a federal auditor general's report found child welfare services in Nunavut Territory inadequate and reported that territorial services failed to protect children from placement in unsafe environments.

On June 9, a federal auditor general's report found that a "disproportionate number" of indigenous people lacked basic social services, especially education, housing, child welfare, and safe drinking water. On June 28, the Quebec Human Rights Commission reported that Inuit children in Nunavik, northern Quebec, were exposed to rates of domestic violence 10 times higher than the national average due to overtaxed or nonexistent community social services.

Also on June 9, the government and indigenous leaders partnered to launch a Canada First Nation Joint Action Plan to improve education, unemployment, and governance for indigenous people living on reserves. On June 18, the government extended the protection of the federal Human Rights Act to more than 700,000 Aboriginal people who live on reserves and who were specifically excluded from the ability to file complaints under the act before 2008. The protection came into force upon the expiry of a three-year transitional period.

On August 17, the Ontario Superior Court ruled that the provincial government had no authority to grant industrial logging leases on land in northern Ontario covered by a treaty between the federal government and the Grassy Narrows First Nation. The court ruled that the federal government had jurisdiction and responsibility to protect Aboriginal hunting and trapping treaty rights. The Grassy Narrows First Nation had litigated for 11 years to stop clear-cut logging on their traditional lands, arguing that clear cutting contaminated the water supply and adversely affected their quality of life.

In October the First Nations community of Attawapiskat, northern Ontario, declared a state of emergency over housing and living conditions on the reserve. National Aboriginal representatives alleged that similar conditions existed in Aboriginal communities across the country. The federal government provided emergency

housing to residents of Attawapiskat and appointed a third-party manager for the community.

On November 18, the federal and the Newfoundland and Labrador provincial governments signed documents with the Labrador Innu relating to land claims, self-government, and an impact and benefit agreement relating to the Lower Churchill River development.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law prohibits discrimination based on sexual orientation, and the criminal code provides penalties for crimes motivated by bias, prejudice, or hate based on personal characteristics, including sexual orientation. Lesbian, gay, bisexual, and transgender organizations operated independently and without restriction. There was no official discrimination based on sexual orientation in employment and occupation, housing, statelessness, or access to education or health care.

There were occasions of violence and abuse against individuals based on sexual orientation, but the government generally implemented the law criminalizing such behavior effectively.

Other Societal Violence or Discrimination.—There were no known reports of societal violence or discrimination against persons with HIV/AIDS. Courts generally interpreted prohibitions against discrimination on the basis of disability in federal and provincial human rights statutes to include discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law allows workers (except armed forces and police) in both the public and the private sectors to form and join unions of their choice, to conduct legal strikes, and to bargain collectively.

Workers in the public sector who provide essential services, including police and armed forces, do not have the right to strike but have mechanisms to ensure due process and protect workers' rights. Workers in essential services had recourse to binding arbitration if labor negotiations failed. The law prohibits antiunion discrimination and provides for reinstatement for workers fired for union activity.

Provincial governments have and enforce their own labor laws that apply to provincially regulated occupations. Agricultural workers in Alberta, Ontario, and New Brunswick do not have the right to organize or bargain collectively under provincial law.

The government effectively enforced applicable laws in a timely fashion and respected freedom of association and the right of collective bargaining in practice. Worker organizations were independent of the government and political parties. Workers exercised the right to strike in practice.

Labor unions complained that federal or provincial governments' actions in several cases constituted interference with collective bargaining rights. On February 22, the Quebec government adopted back-to-work legislation to end a two-week strike by Quebec crown prosecutors. On June 16, striking Air Canada ticket agents settled their dispute with the company after the federal government introduced back-to-work legislation in parliament to end the strike. On June 26, the federal parliament passed back-to-work legislation to end a legal strike by Canada Post workers.

On September 20, Air Canada and its flight attendants' union reached a tentative settlement after the government gave formal notice of its intent to introduce and expedite back-to-work legislation to avert a pending strike. Flight attendants subsequently rejected the pending deal. On October 12, the government referred the stalled contract talks to the Canada Industrial Relations Board for review, legally suspending an imminent strike. The government cited the negative impact of a strike on travelers and the economy as cause for its action. On November 7, the board imposed the agreement reached in September without alteration.

In April the Supreme Court upheld an Ontario law prohibiting agricultural workers (including foreign migrants) in the province from bargaining collectively. The ruling overturned a 2008 decision by the Court of Appeal of Ontario that had struck down the law as unconstitutional. In 2010 the International Labor Organization had noted the law violated the human rights of agricultural workers.

There were no reports of violations related to collective bargaining rights or other antiunion discrimination.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor, and the government effectively enforced the law. The government investigated and prosecuted several cases of forced labor and domestic servitude, informed workers of their legal rights, and maintained some measures to

hold employers of foreign migrant workers accountable. However, there were reports that foreign (or noncitizen or foreign-born) adults were subjected to forced labor in the agricultural sector, food processing, cleaning services, hospitality, and construction industries; domestic servitude; and prostitution. Nongovernmental organizations (NGOs) reported that bonded labor and domestic servitude constituted the majority of cases of 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.—Child labor legislation varies by province, and there are sufficient laws to protect children from exploitation in the workplace. Most provinces restrict the number of hours of work to two or three hours on a school day and eight hours on a nonschool day and prohibit children under age 15 or 16 from working without parental consent, after 10 or 11 p.m., or in any hazardous employment. During official school or academic breaks, the federal government employed youths between ages 15 and 17 for work that is unlikely to endanger their health or safety.

Child labor laws and policies were enforced effectively, and the child labor inspections were carried out by federal and provincial labor ministries. Child labor was not a problem in the country.

d. Acceptable Conditions of Work.—Minimum wage rates ranged from C$8.80 to C$11.00 ($8.62 to $10.78). Some provinces exempt agricultural, hospitality, and other specific categories of workers from minimum-wage rates, and Ontario has a minimum-wage rate for youths under age 18 who work less than 28 hours per week when school is in session that is lower than the respective minimum for adult workers.

Standard work hours vary by province, but in each the limit is 40 or 48 hours per week, with at least 24 hours of rest. The law requires payment of a premium for work above the standard workweek. Entitlement to paid annual leave varies by province, but the law requires a minimum of 10 days paid annual leave per year (or payment of 4 percent of wages in lieu) after one year of continuous employment. Some provinces mandate an additional week of paid leave to employees who have completed a specified length of service. There is no specific prohibition on excessive compulsory overtime, which is regulated by means of the required rest periods in the labor code that differ by industry. Some categories of workers have specific employment rights that differ from the standard, including commercial fishermen, oil field workers, loggers, home caregivers, professionals, managers, and some sales staff.

Federal law provides safety and health standards for employees under federal jurisdiction, while provincial and territorial legislation provides for all other employees, including foreign and migrant workers. Federal, provincial, and territorial laws protect the right of workers with "reasonable cause" to refuse dangerous work and remove themselves from hazardous work conditions, and authorities effectively enforced this right.

Authorities effectively enforced labor standards. Federal and provincial labor departments monitored and enforced these standards and conducted inspections proactively through scheduled visits, reactively in response to complaints, and at random.

Enforcement measures included a graduated response, with a preference for resolution via voluntary compliance, negotiation, and education; prosecution and fines served as a last resort. Some trade unions argued that limited resources hampered the government's inspection and enforcement efforts.

In February the province of Ontario named a new interim council for health and safety and in August named its first chief prevention officer to oversee reforms of provincial policy in line with key recommendations of a 2010 expert panel on Ontario's workplace health and safety system.

Some NGOs reported that migrants, new immigrants, young workers, and the unskilled were vulnerable to violations of the law on minimum wage, overtime pay, unpaid wages, and excessive hours of work, and they alleged that restrictions on the type of labor complaints accepted for investigation and delays in processing cases discouraged the filing of complaints in practice. There were no known developments in the investigation into the workplace fatalities of two Jamaican migrant agricultural workers in a fruit-processing facility in Ontario in 2010.

CHILE

EXECUTIVE SUMMARY

Chile is a constitutional multiparty democracy. In January 2010 voters chose Sebastian Pinera Echenique of the center-right Coalition for Change as president in elections that were generally considered free and fair. Security forces reported to civilian authorities.

The principal human rights problems reported during the year were poor prison conditions; allegations of excessive use of force and mistreatment by police forces, including during student protests; and disputes between indigenous communities and the government regarding land rights, development, and judicial matters.

Additional human rights concerns in the country included violence against women and child abuse.

The government generally 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. However, there were reports of killings by the carabineros (national uniformed police).

On March 19, members of the carabineros in La Ligua allegedly detained and beat 19 year-old Luis Santander. Police left Santander with a ruptured spleen, and he died in the street. A criminal investigation was pending at year's end.

On August 25, in the Macul neighborhood of Santiago, a member of the carabineros allegedly shot and killed 16-year-old Manuel Gutierrez at the end of a two-day national strike. Carabineros initially denied involvement in the shooting, despite eyewitness accounts. However, a criminal investigation determined that a carabineros unit used its weapons in the vicinity of the shooting, a fact that unit members had attempted to hide and of which they failed to inform their superiors. Six members of the unit were discharged, and the carabineros' general in charge of the area resigned. On September 3, a military prosecutor indicted former sergeant Miguel Millacura for unnecessary use of force resulting in Gutierrez's death and placed Millacura in pretrial detention. On November 17, a military court released Millacura on provisional liberty. The case was pending at year's end.

On January 26, former Santiago Appellate Court judge and prosecutor Beatriz Pedrals presented 726 new legal complaints for dictatorship-era executions that had not yet been investigated, including the 1973 death of then president Salvador Allende. The cases were assigned to Special Investigative Judge Mario Carozza.

On March 5, the Group of Family Members of the Politically Executed presented 403 new cases to Judge Carroza for 566 victims of dictatorship-era human rights violations, including the case of U.S. citizen Ronnie Moffit, who was killed in Washington, D.C. in 1976.

In 2009 Judge Alejandro Madrid charged six persons for allegedly poisoning former president Eduardo Frei Montalva in 1982. A National Intelligence Directorate (DINA) agent, a doctor, and Frei's driver were charged with murder. Two other doctors who allegedly falsified the autopsy were charged as accessories to the crime, and another doctor was charged as an accomplice. The case remained pending at year's end, and none of those charged had been detained.

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

Judge Jorge Zepeda continued his investigation into the 1985 disappearance case of U.S. citizen Boris Weisfeiler. In March 2010 Weisfeiler family members separately resubmitted the case to the Advisory Commission on the Classification of Disappearances, Political Executions, and Victims of Political Imprisonment and Torture (Valech Commission), which reviewed new requests to recognize dictatorship-era cases as human rights violations (see section 5). On August 18, the commission issued its final report, which did not recognize the Weisfeiler disappearance as a human rights violation.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the constitution prohibits such practices, nongovernmental organizations (NGOs) received reports of excessive force, abuse, and mistreatment by carabineros, investigative police (PDI) members, and prison guards, few of which resulted in convictions.

In December a military prosecutor indicted six carabineros for "applying torments, mental pressure, and illegal detention" to Juan Berrios, whom the officers detained in a police van and threatened to "disappear" at gunpoint in December 2010. The case was pending at year's end.

The prison system (gendarmeria) opened administrative investigations into 116 allegations of abuse during the year. Of these cases, 15 were closed and 101 were pending at year's end.

Prison and Detention Center Conditions.—Prison conditions generally were poor. Prisons often were overcrowded and antiquated, with substandard sanitary conditions and inadequate food and medical services in some cases. Prisoners had access to potable water, although exposed sewage was a problem in some prisons. The 2011 Diego Portales University Law School Annual Report on Human Rights stated that violence, including torture, occurred and was justified by prison officials as necessary to maintain order. Violence among inmates was also common.

In isolated instances prisoners died due to lack of clear prison procedures and insufficient medical resources. Prison officials reported that there were 161 deaths during the year, compared with 249 in 2010. Prisoners with HIV/AIDS and mental disabilities failed to receive adequate medical attention in some prisons.

Government sources indicated there were approximately 52,300 prisoners in prisons designed to hold 33,200 inmates. Prisoners included 4,571 women, who were held in separate sections of the same facilities. As of November there were 1,772 minors held in specially designated facilities, of which 524 were held provisionally during their trial.

A prosecutor's investigation of the December 2010 fire at San Miguel in Santiago (which resulted in deaths of 81 inmates) remained pending at year's end.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Authorities generally investigated these allegations and documented the results in a publicly accessible manner. During the year the government took steps to improve recordkeeping and use alternative sentencing for nonviolent offenders, such as conditional release for community service.

The government usually investigated and monitored prison and detention center conditions. However, on November 16, four judges in Arica were sanctioned for not fulfilling their obligation to make weekly prison visits. The government permitted prison visits by independent human rights observers, and such visits took place at both government and privately operated facilities. Prisoner and human rights groups continued to investigate alleged use of abuse or excessive force against detainees. There were no prison ombudsmen.

In October 2010 the Ministry of Justice presented the government with 11 proposals for prison reform which began to be implemented in 2011. These proposals included providing inmates with additional bunks, mattresses, and blankets; increasing the time inmates spent outside of their cells, as well as their access to religious support; and improving food, sanitation, and lighting in prisons.

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

Role of the Police and Security Apparatus.—The carabineros and the PDI have responsibility in law and in practice for law enforcement and maintenance of order within the country. Both forces are overseen by the Ministry of the Interior.

Civilian authorities maintained effective control over the carabineros and the PDI, and 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.—Only public officials expressly authorized by law can arrest or detain citizens and generally did so openly with warrants based on sufficient evidence brought before an independent judiciary. Authorities must immediately inform a prosecutor of an arrest and generally did so in practice.

The prosecutor must open an investigation, receive a statement from the detainee, and ensure that the detainee is held at a local police station until the detention control hearing. Detention control hearings are held twice daily, allowing for a judicial determination of the legality of the detention within 24 hours of arrest. Detainees must be informed of their rights, including the right to an attorney and the right to remain silent until an attorney is present. Public defenders are provided to detainees if they do not select a lawyer of choice. Authorities must expedite notification of the detention to family members. If authorities do not inform the detainees of their rights upon detention, the process can be declared unlawful by the judge during the detention control hearing.

The law allows judges to set bail, grant provisional liberty, or order continued detention as necessary to the investigation or for the protection of the prisoner or the public.

The law affords detainees 30 minutes of immediate and subsequent daily access to a lawyer (in the presence of a prison guard) and to a doctor to verify their physical condition. Regular visits by family members are allowed.

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

Trial Procedures.—Defendants enjoy a presumption of innocence and have a right of appeal. The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. National and regional prosecutors investigate crimes, formulate charges, and prosecute cases. Three-judge panels form the court of first instance: the process is oral and adversarial, trials are public, defendants have the right to be present and consult with an attorney in a timely manner, and judges rule on guilt and dictate sentences. Defendants do not enjoy the right to a trial by jury. Court records, rulings, and findings were generally accessible to the public.

The law provides for the right to legal counsel, and public defenders' offices across the country provide professional legal counsel to anyone seeking such assistance. Defendants can confront or question witnesses against them and/or present witnesses and evidence on their behalf, although the law provides for protected witnesses in certain circumstances. Defendants and their attorneys generally have access to government-held evidence relevant to their cases with some exceptions. When requested by other human rights organizations or family members, the NGO Corporation for the Promotion and Defense of the Rights of the People and other lawyers working pro bono assisted detainees during interrogation and trial.

For crimes committed prior to the implementation of the 2005 judicial reforms, criminal proceedings are inquisitorial rather than adversarial. At year's end one inquisitorial criminal court remained open and had an extensive wait for trials.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees, although some indigenous Mapuche convicted of criminal offenses claimed to be political prisoners.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters, which permits individuals to seek civil remedies for human rights violations. However, the civil justice system retains antiquated and inefficient procedures. The average civil trial lasted approximately five years, and civil suits could continue for decades. There are administrative and judicial remedies available for alleged wrongs.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—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.

Military courts may charge and try civilians for defamation of military personnel and for sedition, but their rulings can be appealed to the Supreme Court.

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.

In June the government revealed that it was monitoring online social networks as a way to measure public opinion. In April the government hired the firm BrandMetric to conduct the monitoring and analyze the data. Representatives from the government and BrandMetric stated they were not monitoring individuals, but rather looking for themes related to government interests. On August 11, the government shut down the monitoring program under intense public opposition.

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.—Student protests regarding education reform took place throughout the year. The government routinely granted permits for student marches and demonstrations, occasionally refusing permission for certain routes, citing a concern for public safety.

The police used tear gas and water cannons, and forcibly detained some protesters to maintain order and respond to acts of vandalism that occurred during many of the protests.

On November 4, the Inter-American Commission on Human Rights (IACHR) issued a statement on the government's handling of the student protests, expressing concern over the acts of police violence. The IACHR called on the government to take the necessary steps to ensure complete respect for the rights of freedom of expression, assembly, and protest, and to impose only those restrictions that are strictly necessary and proportionate and take into account the state's special obligation to guarantee the rights of high-school and university students.

Freedom of Association.—The constitution provides for freedom of association, and the government generally respected it 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 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.

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.—In January 2010 voters chose Sebastian Pinera Echenique of the center-right Coalition for Change as president in free and fair run-off elections. In December 2009 voters also elected 18 of the 38 senators and all members of the Chamber of Deputies in elections generally considered free and fair.

Participation of Women and Minorities.—There were 17 women in the 120-seat Chamber of Deputies and five women in the 38-seat Senate. There were four women in the 22-member cabinet. Indigenous people have the legal right to participate freely in the political process, but relatively few were active apart from those elected at the municipal level.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were isolated reports of government corruption during the year.

On December 9, Judge Antonella Sciaraffia of Iquique was suspended temporarily on charges of illicit association, falsification of numerous public instruments, and fraud. The charges came amid additional allegations of fraud in contract awards for schools in Arica and Iquique for which Sciaraffia was responsible. The case was pending at year's end.

On December 12, former congressional deputy Maximiano Errazuriz was found guilty of fraud and sentenced to three years and a day in prison for his role in falsely renting an office and receiving an income of approximately 30,000,000 pesos ($62,000) between 2004 and 2009. Errazuriz was ordered to pay a fine equal to 10 percent of the funds and prohibited from holding elected office again.

In January 2010 a judge convicted Andres Contardo, a former consultant for both the Civil Registry and Tata Consultancy Services, of disclosing secret civil registry information to Tata. Contardo was sentenced to more than four years in prison but was released on parole. Thirty-seven others were indicted in connection with the case, some of whom were convicted, some of whom were given community service hours in return for their cooperation and the return of funds, and some of whom were awaiting trial at year's end.

The law subjects public officials to financial disclosure and assigns responsibility to the comptroller for conducting audits of government agencies and to the Public Prosecutor's Office for initiating criminal investigations of official corruption.

The constitution requires the government and its agencies to make all unclassified information about their activities available to the public. In practice the government granted citizens and noncitizens, including foreign media, access to all unclassified information. An autonomous transparency council provides for the right of access to

information and ruled on cases in which information is denied. On September 13, the government launched a new Web site that provides online 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 often were cooperative and responsive to their views.

Government Human Rights Bodies.—The autonomous National Institute of Human Rights (INDH), established in 2010, operated independently of the government, issued public statements, and proposed changes to government agencies or policies to ensure the promotion and protection of human rights. On December 15, the INDH released its 2011 report, which expressed concern over several human rights issues in the country, including indigenous rights and the restitution of ancestral lands, the use of force by the carabineros during protests, and the prosecutor's application of the antiterrorism law. The Senate and Chamber of Deputies also have standing human rights committees responsible for drafting human rights legislation.

In February 2010 the Valech Commission began accepting new and resubmitted requests to recognize dictatorship-era cases of execution, disappearance, and torture as human rights violations. The application process was open for six months, and the commission received more than 32,500 petitions. On August 18, the commission presented its findings to President Pinera, and the government officially released the final report on August 26. The commission recognized 30 new cases of disappearances and executions, and 9,800 new cases of political imprisonment and torture.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government enforced these prohibitions. However, such discrimination continued to occur.

Women.—Rape and Domestic Violence.—The law criminalizes rape, including spousal rape. Penalties for rape range from five to 15 years' imprisonment, and the government generally enforced the law when cases of rape were reported.

The law protects the privacy and safety of the victim making the charge. Between January and August the Public Prosecutor's Office investigated 3,456 cases of rape, and the courts handed down 490 rape convictions. Experts, however, believed that most rape cases went unreported due to fear of further violence, retribution, and social stigma.

The law criminalizes domestic violence, recognizing both physical and psychological violence. However, it remained a serious problem in the country. Family courts handle cases of domestic violence and penalize offenders with fines up to 556,680 pesos ($1,151). Additional sanctions include eviction of the offender from the residence shared with the victim, restraining orders, confiscation of firearms, and court-ordered counseling. Cases of habitual psychological abuse and physical abuse cases in which there are physical injuries are prosecuted in the criminal justice system. Penalties are based on the gravity of injuries and range from 61 to 540 days' imprisonment.

The authorities generally enforced the law in cases reported to them, and there was no indication of police or judicial reluctance to act. However, experts believed that most domestic violence cases went unreported; again this was due to fear of further violence, retribution, and social stigma. Between January and August, the Public Prosecutor's Office initiated investigations into 72,222 cases of family violence and convicted 9,405 offenders of domestic violence.

The government launched a nationwide campaign in November 2010 (including advertisements on television, billboards, and public transportation) designed to raise awareness about domestic violence and encourage women to report abuse. SERNAM, the National Women's Service, operated 94 assistance centers and 24 women's shelters, and it maintained partnerships with NGOs to provide training for police officers and judicial and municipal authorities on the legal and psychological aspects of domestic violence. The Ministry of Justice and the PDI operated several offices specifically dedicated to providing counseling and assistance in rape cases. SERNAM also operated a round-the-clock hotline for victims of violence, including domestic abuse and rape. Data was not available to assess the effectiveness of government campaigns against domestic and sexual violence.

Sexual Harassment.—Sexual harassment is a misdemeanor. Penalties are outlined exclusively in the labor code. By law sexual harassment is cause for immediate dismissal from the workplace. The law requires employers to define internal procedures for investigating sexual harassment, and employers may face fines and additional financial compensation to victims if internal procedures are not met. The law provides protection to victims of sexual harassment by employers and coworkers. It also provides severance pay to victims who resign due to sexual harassment if they have completed at least one year with the employer. Authorities generally enforced the law in cases reported to them, and there was no evidence of police or judicial reluctance to act. During the year the Labor Directorate received 112 complaints of sexual harassment, and 18 offenders were convicted.

Reproductive Rights.—Couples and individuals had the right to decide freely and responsibly the number, spacing, and timing of children and had the information and means to do so free from discrimination, coercion, and violence. Government policy did not interfere with access to contraception, skilled attendance during childbirth, prenatal care, or essential obstetric and postpartum care. However, despite the fact that emergency contraception is legal and that the law provides for the free distribution of emergency contraception in the public health system, many hospitals and clinics continued to refuse to prescribe.

Social and cultural barriers in terms of reproductive rights existed in some cases. The law on surgical sterilizations requires voluntary informed consent. However, the Center for Reproductive Rights reported that there were some cases in which health-care workers pressured or forced HIV-positive women into surgical sterilization.

Women faced significant obstacles to preventing HIV infection, including sociocultural norms, gender-based violence, and lack of information. The law prohibits discrimination against people on the basis of their HIV status, and in the area of health care the law provides that neither public nor private health institutions can deny access to health-care services on the basis of a person's serological status. However, the Center for Reproductive Rights continued to report that HIV-positive women received discriminatory health-care treatment, especially in reproductive health services. Problems included delayed care, verbal abuse, pressure not to have children, or refusal of treatment.

Discrimination.—Women enjoy most of the same legal rights as men. However, discrimination in employment, pay, owning and managing businesses, and education occurred. There were no known reports of discrimination in credit or housing. Despite the possibility of a "community property" marital arrangement, in which each spouse maintains separate control of the assets brought into the marriage, the default and most common marital arrangement is "conjugal society," which gives a husband the right to administer joint property, including his wife's property. As a result, women who were married under the conjugal society arrangement were usually required to obtain permission from their husbands to apply for housing subsidies and take out loans or mortgages, while men had unrestricted access to these and other services. Under a 2007 agreement with the IACHR, the government committed to modify the law to give women and men equal rights and responsibilities in marriage. Implementing legislation remained pending at year's end. The commercial code provides that unless a woman is married under the separate estate regime, she may not enter into a commercial partnership agreement without permission from her husband; a man may enter into such an agreement without permission from his wife.

Despite a 2009 law providing for equal pay for equal work, the overall gap in wages was 32 percent in 2010, and the gap among those with a university education was 35 percent. Only 47 percent of women participated in the labor force in 2010 (compared with 78 percent of men), and they were more likely to work in the informal sector. The labor code provides specific benefits for pregnant workers and mothers of children under two years old, including a prohibition against dismissal during pregnancy and throughout the 449 days after the birth of a child. SERNAM is in charge of protecting women's legal rights and is the only government office that deals specifically with discrimination against women.

On October 17, the Post-Natal Leave Law went into effect, which extends maternity leave in the country from three to six months and was estimated to benefit 2.5 million women, including noncontracted temporary workers. The new law allows for a paternity leave option and gives mothers the flexibility to choose half-day or full-time leave during the last three months of postnatal leave. Employers who obstruct the right to maternity leave are subject to fines of up to 5,000,000 pesos ($10,338). However, some women's groups claimed that the new law does not go far enough

in promoting gender equality and noted that the required conditions for noncontracted women to take leave put the new benefits out of reach for many.

Children.—Birth Registration.—Citizenship is derived by birth within the country's territory and from one's parents or grandparents, and births are registered immediately.

Child Abuse.—Violence against children was a significant problem. The National Children's Service (SENAME) ran 84 programs for children and youth in high risk situations. SENAME also collaborated with municipal governments to run 114 local branches of the Office for the Protection of Children's Rights throughout the country. SENAME, the carabineros, and the PDI cooperated with schools and NGOs to identify children in abusive situations. These groups provided counseling and other social services to abused children.

Sexual Exploitation of Children.—The penalties for commercial sexual exploitation of children range from three to five years in prison. The range increases from five years and a day to 20 years and a fine of 31 to 35 UTM ($2,454 to $2,771) in cases where exploitation is habitual, or if there was deceit or abuse of authority or trust. The UTM is a legally defined currency unit, indexed to inflation, equivalent to approximately $79. The criminal code considers 18 the age for consensual sex. Sex with a girl between ages 14 and 18 may be considered statutory rape, and sex with a child under age 14 is considered rape, regardless of consent or the victim's gender. Penalties for statutory rape range from five years and a day to 20 years in prison. Child pornography is a crime. Penalties for producing child pornography range from 541 days to five years in prison. Child prostitution was a problem. Children engaged in prostitution for survival with and without third-party involvement.

Institutionalized Children.—An August report released by family court judges described substandard conditions in some children's shelters. The report described a shelter where the children received two meals a day, consisting only of bread, and where there had been a gas leak for months. The report also described a shelter in which children identified as sex offenders were housed with children identified as being vulnerable to, or victims of, sexual abuse. Additionally there was an account of a girls' shelter without privacy or adequate heating.

In May 2010 PDI detectives arrested nine individuals for alleged sexual exploitation of adolescent girls at the Capullo youth home run by SENAME in the Bio-Bio region. All four of the resulting lawsuits ended in convictions.

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 15,000 members of the Jewish community. There were various reports of anti-Semitic incidents during the year, such as acts of vandalism, verbal slurs, bomb threats, and online harassment. Authorities noted an increase in anti-Semitic comments made via social media during the year, including by several congressional deputies. Vandalism included desecration of Jewish community institutions, such as schools, synagogues, and cemeteries.

Neo-Nazi and skinhead groups engaged in gang-type criminal activities and violence against immigrants, homosexuals, punk rockers, and anarchists. Some skinhead groups shared the anti-Semitic rhetoric of neo-Nazi groups.

The interior minister, who is Jewish, was the target of several anti-Semitic remarks throughout the year. On August 11, the president of the College of Professors accused the minister of using "Zionist methods of apartheid" and "having some upbringing in some school of Israel." After widespread condemnation, the College of Professors president apologized for the remarks. On December 21, following the interior minister's condemnation of a Communist Party letter of condolence to North Korea for the death of Kim Jong Il, a deputy from the Communist Party stated via Twitter that the interior minister was "a Jew who acted like a Nazi."

On December 31, a deputy from the Christian Democrats made anti-Semitic comments on Twitter about an Israeli tourist accused of starting a fire in Torres del Paine.

The National Office of Religious Affairs is part of the executive branch and is responsible for promoting religious freedom and tolerance.

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, and the government effectively enforced these provisions. However, persons with disabilities suffered forms of de facto discrimination. Law 20,422, which came into effect in February 2010, establishes norms for equal opportunity and social inclusion for persons with

disabilities. The law provides for universal equal access to buildings, information, and communications. However, most public buildings did not comply with legal accessibility mandates. An improved transportation system in Santiago provided additional, but still limited, accessibility for persons with disabilities. Public transportation outside of the capital remained problematic.

The 2010 law also created the National Service for the Disabled (SENADIS), which replaced the National Fund for Persons with Disabilities. SENADIS operates under the jurisdiction of the Ministry of Planning and has responsibility for protecting the rights of persons with disabilities and creating programs to promote their better integration into society.

A number of communities around Santiago built parks that cater to the needs of children with physical, visual, and hearing impairments. This effort was part of a larger government initiative to provide universal access to public spaces.

Indigenous People.—Indigenous people (approximately 5 percent of the total population) have the right to participate in decisions affecting their lands, cultures, and traditions, including the exploitation of energy, minerals, timber, or other natural resources on indigenous lands. However, the INDH noted in its 2011 annual report that government policies and judicial decisions regarding consultation with indigenous peoples limited their participation and restricted the measures and subjects of discussion. The INDH's 2010 report stated that serious institutional deficits persisted regarding indigenous peoples' economic, social, and cultural rights; political participation; and land and territorial rights. Indigenous people also experienced societal discrimination, and there were reported incidents in which they were attacked and harassed. Indigenous women faced triple discrimination on the basis of their gender, indigenous background, and reduced economic status, and they were especially vulnerable to violence, poverty, and illness.

There were isolated instances of violence between the Mapuche and landowners, logging companies, and police in the southern part of the country. The actions usually took the form of protests regarding historic Mapuche concerns about their rights to ancestral lands. Instances of rock throwing, land occupations, and burning crops, buildings, or vehicles occurred. Mapuche activists and police forces stationed in the area to guard private lands sometimes engaged in skirmishes.

There were reports of police abuse against Mapuche individuals and communities. On August 24, the Americas director of Human Rights Watch stated that "there is, indeed, strong evidence of police abuse, of police brutality during raids, and of excessive and unjustified force, which has resulted in the loss of Mapuche lives." The military justice system is responsible for investigating all cases of alleged police abuse.

The NGO Citizens' Observatory (OC) reported police searches of Mapuche homes without a warrant, arrest and release of Mapuche individuals without a detention control hearing, and police use of intimidation and discriminatory statements against Mapuche individuals, including minors. The INDH's 2011 report stated that the rights of Mapuche children in these contexts were not always protected.

The Ethical Commission Against Torture's annual report noted that, as of May, 62 Mapuche individuals had been jailed, indicted, or convicted for actions that included destruction of property, attacks on farms, or confrontations with police. The Equitas Foundation's Barometer of Politics and Equality report in April noted that sentences for police convicted of crimes against Mapuche were noticeably more lenient than those for Mapuche individuals.

On December 22, the Temuco Appellate Court issued instructions to carabineros to use extreme caution in the treatment of minors after police detained a 12-year-old Mapuche boy on December 8. On December 21, the same court issued instructions to carabineros to abstain from using tear gas near indigenous homes in response to an appeal made by a Mapuche community following carabineros' use of tear gas during searches in early November.

On January 10, the U.N. special rapporteur on the rights of indigenous peoples sent a communication to the government regarding the December 2010 police evictions of Rapa Nui protesters from government buildings and public spaces on Easter Island. The special rapporteur recommended that the government avoid evictions and maintain a police force on the island necessary and proportional to ensure the security of its inhabitants. On February 7, the IACHR granted precautionary measures for the Rapa Nui, requesting that the government guarantee that the actions of its agents in handling protests and evictions would not jeopardize the life or physical integrity of members of the Rapa Nui. In February President Pinera appointed a special commissioner for Easter Island. The Special Commissioner's Office oversees four working groups created to address migration, land, development, and the island's status as a special territory. On October 31, the IACHR lifted its measures.

The OC denounced the September 2010 prosecution of Karina Riquelme, an attorney and member of the Center for Research and Defense SUR, who has defended Mapuche protesters. On November 11, Riquelme was convicted of illegally exercising the legal profession in 2009 and sentenced to 21 days with a conditional pardon. The OC denounced the action as an attempt to intimidate and discredit Riquelme. An appeal was pending at year's end.

On June 3, the Supreme Court partially annulled the sentences of four Mapuche individuals who were convicted in February of attempted murder and armed robbery. The four were part of a group of more than 30 Mapuche awaiting trial who went on a hunger strike in July 2010 to protest their prosecution under the antiterrorism law and the military justice system. While antiterrorism charges were dropped in 2010, the defendants appealed on the grounds that their due process rights had been violated because evidence collected and used during their trial was done so under special antiterrorism law provisions. The Supreme Court upheld sentences for armed robbery but overturned the convictions for attempted murder, replacing them with convictions for assault and reducing total sentences of 20 to 25 years in prison to between eight and 14 years. The four convicted Mapuche held another hunger strike during the year, which ended June 9 after the formation of a Commission for the Rights of the Mapuche People, which included the INDH director, the archbishop of Concepcion, and Mapuche leaders. The commission's objective was to listen to the demands of Mapuche communities and suggest solutions to authorities.

On January 19, a group of observers from the International Federation of Human Rights issued a declaration regarding the situation of three Mapuche youth accused of arson and illicit association under the antiterrorism law. Two of the youths were released under partial house arrest in January, while the third was released under partial house arrest on February 11, after being held in pretrial detention in a SENAME juvenile justice facility since April 2010. A fourth was arrested in April, charged, and released under partial house arrest. All four were awaiting trial at year's end.

On November 24, the Military Court of Valdivia convicted Special Operations police Corporal Miguel Patricio Jara for the use of unnecessary force resulting in the 2009 death of Jaime Mendoza. Mendoza was killed while occupying private land in Ercilla. Jara was sentenced to five years in prison and an appeal was pending at year's end.

On December 15, the Supreme Court rejected a procedural appeal in the case of Matias Catrileo, who was killed by a carabinero in 2008 while occupying private land. The court's decision upheld the conviction of carabineros corporal Walter Ramirez for unnecessary violence resulting in Catrileo's death, which had increased Ramirez's sentence to three years in prison and prohibited him from serving in public office for the duration of his sentence, although it allowed him to serve time on parole.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The Movement for Homosexual Integration and Liberation (MOVILH) reported 138 cases of discrimination due to sexual orientation in 2010, compared with 124 reported cases in 2009. MOVILH also noted a worsening in the acts of violence against the lesbian, gay, bisexual, and transgender community, including one killing, five acts of physical or verbal aggression, two incidents involving mistreatment by police, and nine incidents of work discrimination in 2010.

Earlier in the year, the Inter-American Court of Human Rights accepted the 2009 IACHR petition to hear the case of Karen Atala, a judge who claimed discrimination in the loss of custody of her three daughters because she is a lesbian. The case was pending at year's end.

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.—Workers, with the exception of police and military personnel, have the right to form and join independent unions of their choice without previous authorization. With some limitations, the law also allows strikes, protects the right of collective bargaining, and prohibits antiunion practices.

Union leaders are restricted from being members of political parties, and the Directorate of Labor has broad powers to monitor union accounts and financial transactions. By law public employees are prohibited from striking. While employees in the private sector have the right to strike, the law places some restrictions on this right. For instance, strikes must be approved by an absolute majority of workers.

In addition, strikes by agricultural workers during the harvest season are prohibited. The law also proscribes employees of 100 private sector companies, largely providers of services such as water and electricity, from striking and stipulates compulsory arbitration to resolve disputes in these companies. The law does not specifically prohibit employers from dismissing striking workers. However, employers must show cause and pay severance benefits if they dismiss strikers.

Collective bargaining is protected by law, with exceptions for some public employees; entertainers; and temporary agricultural, construction, and port workers. The law guarantees collective bargaining rights only at the company level and where the employer agrees to negotiate with the collective. Collective bargaining in the agricultural sector remained dependent on employers agreeing to negotiate, since most of these workers were temporary and not automatically eligible for collective bargaining. Intercompany unions are permitted to bargain collectively only when the individual employers agree to negotiate under such terms.

The government generally enforced labor laws effectively. Freedom of association and the right to collective bargaining were generally respected in practice. The government protected the right to strike in practice. Despite being prohibited by law, public sector strikes sometimes occurred. Worker organizations were independent of the government and political parties. According to Freedom House and the International Trade Union Confederation, antiunion practices, including violence against union leaders, unfair dismissals of union leaders, and replacement of striking workers, continued to occur. Both NGOs and unions reported companies also used sub- and temporary contracts as a form of antiunion discrimination and to increase the size of the workforce without collective bargaining rights.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor. On April 1, the government enacted new legislation that modified the penal code to address comprehensively trafficking of persons and human smuggling, including forced labor.

Some action was taken under the modified penal code. In May government prosecutors opened a case against former senator and businessman Francisco Javier Errazuriz for allegedly subjecting 56 Paraguayans, including youth, to forced labor. The case remained under investigation at year's end.

Forced labor continued to occur, primarily for domestic servitude. Some children were forcibly employed in the drug trade. Foreign citizens, including women and children, were subjected to forced labor, notably in domestic servitude, mining, and 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 law sets the minimum age for employment at 18, although it provides that children between the ages of 15 and 18 may work with the express permission of their parents or guardians as long as they attend school. They may perform only light work that does not require hard physical labor or constitute a threat to health or child development. When attending school, children may not work more than 30 hours a week and in no case more than eight hours a day or between the hours of 10 p.m. and 7 a.m. Employers must register their work contracts at the local Ministry of Labor inspector's office.

Ministry of Labor inspectors enforced regulations, and while compliance in the formal economy was high, most children working were employed in the informal economy, outside of the ministry's mandate. During the year the Ministry of Labor imposed some form of sanction in 155 cases involving violations of child labor laws.

The government devoted considerable resources and oversight to child labor policies. With accredited NGOs, SENAME ran 1,024 programs throughout the country to protect children in vulnerable situations. SENAME, in coordination with labor inspectors, identified and assisted children in abusive or dangerous situations. SENAME also implemented public education programs to raise awareness and worked with the International Labor Organization to operate rehabilitation programs for children withdrawn from child labor.

Multisector government agencies continued to participate in the National Advisory Committee to Eradicate Child Labor, which was charged with implementing the National Action Plan for the Prevention and Progressive Eradication of Child Labor. The committee met regularly during the year, and in September it completed a study of child labor in critical communities designed to evaluate prevention programs and improve future interventions.

During the year the Worst Forms of Child Labor Task Force, a separate entity, maintained a registry of cases and developed a multisector protocol for the identi-

fication, registration, and care of children and adolescents in dangerous agricultural jobs.

Child labor was a problem in the informal economy and in agriculture. During the year SENAME and the Ministry of Labor identified 444 cases of children and adolescents involved in the worst forms of child labor. In 147 of the cases, children had been exploited for commercial sex. The use of children in the production, sale, and transport of drugs in the border area with Peru and Bolivia continued to be a problem. Children worked in the production of ceramics and books and in the repair of shoes and garments. In urban areas it was common to find boys carrying loads in agricultural loading docks and assisting in construction activities, while girls sold goods on the streets and worked as domestic servants. Children in rural areas were involved in caring for farm animals, as well as harvesting, collecting, and selling crops, such as wheat, potatoes, oats, and quinoa.

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 July 1, the minimum wage increased 5.5 percent to 182,000 pesos (approximately $376) a month. As of March 1, the minimum wage for domestic servants was raised from 92 to 100 percent of that for other occupations. The minimum wage for workers over age 65 and under 18 was 135,494 pesos ($280). The 2009 official poverty level, the latest government figure available, was 64,134 pesos ($133) a month.

The law sets the legal workweek at six days or 45 hours. The maximum workday length is 10 hours (including two hours of overtime pay), but some categories of workers, such as caretakers and domestic servants, are exempt. The law mandates at least one 24 hour rest period during the workweek, except for workers at high altitudes, who may exchange a work-free day each week for several consecutive work-free days every two weeks. The law establishes fines for employers who compel workers to work in excess of 10 hours a day or do not provide adequate rest days. Annual leave for full-time workers is 15 work days, and workers with more than 10 years of service are eligible for an additional day of annual leave for every three years worked. Overtime is considered to be any time worked beyond the 45-hour work week. Workers receive time and a half pay for any overtime performed.

The law establishes occupational safety and health standards, which are applicable to all sectors. There are special safety and health norms for specific sectors, such as mining and diving. The National Service for Geology and Mines is further mandated to regulate and inspect the mining industry. The law does not regulate the informal sector or employees who are subcontracted to a company. The law protects employment of workers who remove themselves from dangerous situations if labor inspectors from the Labor Directorate and occupational safety and health inspectors from the country's Safety Association determine that conditions endangering workers' health or safety exist.

The Labor Directorate, under the Ministry of Labor, was responsible for enforcing minimum wage and other labor laws and regulations, and it did so effectively. The Ministries of Health and Labor administered and effectively enforced occupational safety and health standards. Insurance mutual funds are private nonprofit institutions that receive a commission from the government to provide workers' compensation and occupational safety training for the private and public sectors.

The Labor Directorate employed 457 labor inspectors during the year, and it added 72 new inspectors at year's end following the October passage of the Post-Natal Leave Law. Both the Labor Directorate and NGOs reported the need for more inspectors to ensure compliance with labor laws throughout the country, particularly in remote areas. NGOs commented that inspectors needed more training and that labor tribunals were overburdened and would be more effective if they were specialized. For large corporations fines were not considered to have a deterrent effect. The Labor Directorate worked preventatively with small and medium-sized businesses to assist in their compliance with labor laws. The sectors with the most infractions during the year were real estate and commerce.

Minimum wage violations were most common in the real estate and commerce sectors. In 2009 approximately 11 percent of the workforce received the minimum wage or less in practice.

The sectors with the most infractions in safety and health standards were construction and industrial manufacturing. Between January and September, 288 workplace fatalities and 1,625 serious accidents were registered. The construction and transport sectors suffered the most accidents during the year. In particular, there were reports of continued precarious conditions in mining. Immigrant workers

in the agricultural sector were in danger of being subjected to exploitative working conditions.

COLOMBIA

EXECUTIVE SUMMARY

Colombia is a constitutional, multiparty republic. In June 2010 Juan Manuel Santos was chosen president in elections that were considered generally free and fair. The internal armed conflict continued between the government and terrorist organizations, particularly the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN). Security forces reported to civilian authorities. Although significantly fewer than past years, there were instances in which elements of the security forces acted independently of civilian control.

The most serious human rights problems were impunity and an inefficient judiciary, corruption, and societal discrimination. Impunity and an inefficient justice system subject to intimidation limited the state's ability to prosecute effectively those accused of human rights abuses and to process former paramilitaries. Corruption often was exacerbated by drug-trafficking revenue. Societal discrimination against indigenous persons and Afro-Colombians negatively affected the ability of these groups to exercise their rights.

Other problems included extrajudicial killings, insubordinate military collaboration with members of illegal armed groups, forced disappearances, overcrowded and insecure prisons, harassment of human rights groups and activists, violence against women, trafficking in persons, and illegal child labor.

The government continued efforts to improve respect for human rights and prosecute and punish officials, including members of the security services, who committed abuses, but some impunity persisted. The government took significant steps to increase resources for the Prosecutor General's Office.

Illegal armed groups, including the FARC, ELN, and organized crime groups that included some former paramilitary members, committed numerous abuses, including the following: political killings; killings of members of the public security forces and local officials; widespread use of land mines; kidnappings and forced disappearances; subornation and intimidation of judges, prosecutors, and witnesses; infringement on citizens' privacy rights; restrictions on freedom of movement; widespread recruitment and use of child soldiers; attacks against human rights activists; violence against women, including rape and forced abortions; and harassment, intimidation, and killings of teachers and trade unionists. Illegal armed groups continued to be responsible for most instances of forced displacement in the country.

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

a. Arbitrary or Unlawful Deprivation of Life.—Political and unlawful killings remained a very serious problem, and there were several reports that members of the security forces committed extrajudicial killings during the internal armed conflict (see section 1.g.). There were significantly fewer reports of military officials presenting fatally wounded civilians as killed in combat than in 2008 or 2009, when several hundred fatalities were reported.

However, the Center for Popular Research and Education (CINEP), a local human rights nongovernmental organization (NGO), reported examples of extrajudicial executions and excessive police violence against civilians. CINEP reported that there were at least seven unlawful killings committed by state agents during the year. Most victims were caught in the cross fire during confrontations between the army or police and illegal armed groups. In several cases military officials stated they believed an individual was fighting on behalf of the FARC, while community members claimed the victim had not been a combatant. CINEP and other NGOs considered the organized criminal gangs to be a continuation of the paramilitary groups and attributed some reports of human rights violations committed by these groups to the government. The government acknowledged that some former paramilitary members were active in organized criminal gangs but noted that the gangs lacked the unified command structure and ideological agenda that defined the former United Self-Defense Forces of Colombia (AUC). The NGOs also included killings by these groups in their definition of "unlawful killings" (see section 1.g.).

For example, CINEP alleged that on January 22, members of the army's Third Brigade killed Anderson Dagua, a member of the Nasa ethnic group, during a firefight with the FARC in Caloto, Cauca. The army contended that the military killed only FARC members. The Prosecutor General's Office continued to investigate the case at year's end.

CINEP also reported that on June 10, members of the army's 18th Brigade shot and killed Humberto Peroza Wampiare, a local indigenous leader of the Hitnu people. The army initially reported Peroza as killed in combat with the FARC. On June 18, however, the army issued a press release indicating it had begun a disciplinary investigation into the case. The Prosecutor General's Office continued to investigate the case at year's end.

At year's end the trial continued of Lieutenant Munoz Linares, charged with the rape of a 14-year-old girl and subsequent killing of the girl and two other children in Arauca in October 2010.

Some members of government security forces, including enlisted personnel, noncommissioned officers, and senior officials, were accused of collaborating with or tolerating the activities of organized criminal gangs, which included some former paramilitary members. Such collaboration, in violation of orders from the president and military high command, may have facilitated unlawful killings or other crimes.

In conformity with the law, military or civilian authorities investigated killings committed by security forces. Investigations of past killings proceeded, albeit slowly. As of November 15, the Prosecutor General's Office reported it had achieved 158 convictions of 439 military personnel for extrajudicial executions since 2000. Some high-profile cases against military personnel resulted in convictions or were reopened in large part due to testimony obtained through the Justice and Peace process.

According to the NGO Landmine Monitor, nongovernmental actors, particularly the FARC and ELN, planted new land mines (see section 1.g.).

Guerrillas, notably the FARC and ELN, committed unlawful killings. Organized criminal groups that included some former members of paramilitary groups committed numerous political and unlawful killings, primarily in areas under dispute with guerrillas or without a strong government presence (see section 1.g.).

b. Disappearance.—Forced disappearances, many of them politically motivated, continued to occur. As of September 30, the National Search Commission had documented more than 63,000 disappearances since the decades-long internal conflict began, including 16,884 that were registered as forced disappearances, with 11,064 found alive and 2,448 found dead. According to the commission, between January 1 and September 30, 10,236 individuals were registered as disappeared, including 2,479 registered as forced disappearances. Not all disappearances registered in 2011 occurred during the year.

The Displaced and Disappeared Persons Unit of the Prosecutor General's Office, created in December 2010, had 22 prosecutors, 44 prosecutorial and judicial assistants, and 85 investigators from the national judicial police who were responsible for investigating and prosecuting more than 18,000 suspected forced disappearances and forced displacements. The Prosecutor General's Office charged two members of the armed forces in cases of forced disappearance and returned 1,665 remains to family members during the year.

Kidnapping, both for ransom and for political reasons, remained a serious problem. The FARC and ELN, as well as organized criminal gangs and common criminals, continued the practice. The Ministry of Defense reported that 298 people were kidnapped during the year (77 by the FARC, 31 by the ELN, four by organized criminal gangs, and the rest by other illegal groups), compared with 282 in 2010. The Ministry of Defense reported that 187 of the kidnappings were for extortion, similar to the 188 reported in 2010. Some human rights groups questioned the government statistics, arguing that many cases went unreported and that several hundred kidnapping victims were held at year's end. All illegal groups, including guerrillas, had killed some kidnapping victims (see section 1.g.).

The Unified Action Groups for Personal Liberty (GAULA)—military and police entities formed to combat kidnapping and extortion—and other elements of the security forces freed more than 133 hostages during the year. Fondelibertad, a government entity that compiles statistics on kidnapping and extortion, reported that at least 24 kidnapping victims died in captivity in the first 10 months of 2011, compared with six between January and August 2010.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law prohibits such practices, there were reports that the police, military, and prison guards sometimes mistreated and tortured detainees. Members of the military and police accused of torture generally were tried in civilian rather than military courts. CINEP asserted that during the first six months of the year, government security forces were involved in 12 incidents of torture, compared with 16 in the first six months of 2010. The Prosecutor General's Office charged 36 members of the armed forces with torture during the year; not all cases occurred during the year.

CINEP reported that illegal armed groups were responsible for at least 15 cases of torture through June, compared with seven in the same period of 2010.

Prison and Detention Center Conditions.—With the exception of new facilities, prison conditions were poor, particularly for prisoners without significant outside support. The National Prison Institute (INPEC) runs the country's 142 national prisons and is responsible for inspecting municipal jails. According to INPEC more than 99,000 prisoners were held in facilities designed to hold fewer than 64,000. Approximately 7,400 prisoners were women. According to a November report by Point of View Corporation based on data from INPEC, 85 percent of prisons experienced overcrowding, with approximately 27,000 inmates living in prisons that held more than double their designed capacity. Information comparing conditions in men's versus women's prisons was not available, but overcrowding existed in women's prisons as well. The Buen Pastor women's prison in Bogota held close to 1,800 women even though it was designed for 1,100 prisoners. The Inspector General's Office reported that some facilities had poor ventilation, overtaxed sanitary and medical systems, and inadequate food. The Inspector General's Office called on INPEC to take significant steps to improve prisoners' access to medical care, noting that such care was inadequate under the contract provider. Prisoners in some high-altitude facilities complained of inadequate blankets and clothing, while prisoners in tropical facilities complained that overcrowding and inadequate ventilation caused high temperatures in prison cells. Prisoners generally had access to potable water, but in May Congressman Ivan Cepeda presented a report documenting water shortages at the prison in Valledupar, Cesar.

Lack of security and an insufficient budget also remained serious problems in the prison system. Many of INPEC's prison guards were poorly trained, but improved training, increased supervision, and more accountability for prison guards alleviated some of the problems caused by inadequate security, overcrowding, access to medical care, and other concerns.

INPEC reported that through October there were 13 violent inmate deaths related to fighting among inmates. The Prosecutor General's Office continued to investigate allegations that some prison guards routinely used excessive force and treated inmates brutally.

The law prohibits holding pretrial detainees with convicted prisoners, although this sometimes occurred. Juvenile detainees and prisoners were not held with adults, but 160 children younger than three years old were permitted to stay with their mothers.

Prisoners had reasonable access to visitors and were allowed to continue their religious practices; however, some NGOs complained that they were denied access to visit prisoners without adequate explanations. Prisoners had access to legal representatives and could submit complaints to judicial authorities and request investigations of inhumane conditions. While authorities investigated such claims, some prisoners complained that the investigations were slow and the results not accessible to the public. The government continued a pilot program with local universities and other organizations to identify and attend to human rights issues within prisons. Prisoners could seek out third parties from local NGOs or government entities, such as the Ombudsman's Office, to represent them in legal matters and in seeking investigations of prison conditions.

The government permitted independent monitoring of prison conditions by local and international human rights groups, and such monitoring occurred during the year.

In April the press reported on prisoner conditions at the Tolemaida Military Reclusion Center, stating that many of the approximately 300 military officers and enlisted men detained (most of whom had been convicted, some for serious crimes including torture and homicide) were living in privileged conditions and that the facility did not comply with numerous prison system regulations. To investigate the allegations, the Ministry of Defense created a verification commission composed of the inspector general of the armed forces, inspector general of the army, vice-minister of defense for policy and international affairs, and director of INPEC. In its report, released in May, the commission admitted that the center had become "an unprecedented administrative mess, with high levels of corruption," and made recommendations to ensure the facility complied with INPEC regulations and prevent a similar situation from taking place in other military reclusion centers. The government reported that the director of the center was replaced and that all directors of military reclusion centers received training on INPEC regulations.

Despite this attention NGOs and the press reported that high-level military officers continued to enjoy privileged detention conditions. For example, according to these reports, three such officers, convicted and sentenced for serious crimes, were held at a large military base in Bogota, where they lived in apartments, enjoyed

freedom of movement within the base, ate in the officers' dining room, and interacted with active-duty officers. The three officers remained in detention at the military base at year's end.

The FARC and ELN continued to deny the International Committee of the Red Cross (ICRC) access to hostages from police and military.

d. Arbitrary Arrest or Detention.—Although the law prohibits arbitrary arrest and detention, there were allegations that authorities detained citizens arbitrarily.

Role of the Police and Security Apparatus.—The Colombian National Police (CNP) is responsible for internal law enforcement and is under the jurisdiction of the Ministry of Defense. Law enforcement duties are shared with the Prosecutor General's Corps of Technical Investigators (CTI). In addition to its responsibility to defend the country against external threats, the army shares limited responsibility for law enforcement and maintenance of order within the country. For example, military units sometimes provided logistical support and security for criminal investigators to collect evidence in high-conflict or hard-to-reach areas. The government continued to expand education and training for the armed forces in human rights and international humanitarian law.

The Prosecutor General's Office is the main entity responsible for investigating human rights abuses by security forces. As of November 15, a total of 1,746 armed forces personnel had been arrested and were awaiting trial for extrajudicial executions, all of which occurred before 2011. However, claims of impunity continued to be widespread, due in some cases to obstruction of justice, a lack of resources for investigations and protection for witnesses and investigators, delaying tactics by defense attorneys, the judiciary's failure to exert appropriate controls over dockets and case progress, and inadequate coordination among government entities that sometimes caused periods of incarceration to end, thereby resulting in a defendant's release from jail before trial. Many human rights groups criticized the Prosecutor General's Office for indicting low-ranking military personnel while avoiding investigations of higher-ranking commanders. The Ministry of Defense relieved from duty eight officers and 19 noncommissioned officers of the armed forces for inefficiency, unethical conduct, corruption, and other causes. Since 2000 at least 581 officers and 1,636 noncommissioned officers and soldiers have been retired from the army for these reasons.

Arrest Procedures and Treatment While in Detention.—Police apprehended suspects with warrants issued by prosecutors based on probable cause, but a warrant is not required to arrest criminals caught in the act or fleeing the scene of a crime. Members of the armed forces detained members of illegal armed groups captured in combat but were not authorized to execute arrest warrants; however, members of the CTI, who accompanied military units, could issue such warrants. Detained persons must be brought before a judge within 36 hours to determine the validity of the detention. Formal charges must then be brought within 30 days, and a trial must start within 90 days of the initial detention. Bail is available for all crimes, except serious ones such as murder, rebellion, or narcotics trafficking. Approximately 1,800 public defenders contracted by the Office of the Ombudsman assisted indigent defendants. Detainees were granted prompt access to legal counsel and family as provided for by law. In general these rights were respected in practice.

Prominent human rights NGOs complained that the government arbitrarily detained dozens of persons, particularly community leaders, labor activists, and human rights defenders. CINEP reported that security forces arbitrarily detained 75 persons through December 1.

Arbitrary Arrest.—The government and prominent local NGOs frequently disagreed on what constituted "arbitrary detention." While the government characterized detentions based on compliance with legal requirements, NGOs applied other criteria in defining "arbitrary detention," such as arrests based on tips from informants about persons linked to guerrilla activities, detentions by members of the security forces without a judicial order, detentions based on administrative authority, detentions during military operations or at roadblocks, large-scale detentions, and detentions of persons while they were "exercising their fundamental rights."

Pretrial Detention.—The Superior Judicial Council reported that the civilian judicial system suffered from a significant backlog of cases, which led to large numbers of pretrial detainees. Implementation of the oral accusatory system, enacted throughout the criminal justice system in 2008, significantly increased conviction rates on newer cases while also lessening the delays and eliminating the secrecy that encumbered the old system. However, a large backlog of old-system cases remained. The failure of many local military commanders and jail supervisors to keep mandatory detention records or follow notification procedures made accounting for all detainees difficult.

Civil society groups complained that some community leaders were subjected to extended pretrial detention. For example, on September 26, a judge released the former spokesman of the NGO National Movement of Victims of State Crimes (MOVICE)-Sucre, Carmelo Agamez, from prison in Sincelejo, Sucre. Authorities arrested Agamez in 2008 and charged him with conspiracy for alleged ties to paramilitary groups. Agamez was released because he had served three-fifths of the maximum sentence he would have received had he been found guilty. The trial against him continued at year's end.

e. Denial of Fair Public Trial.—While the law provides for an independent judiciary, much of the judicial system was overburdened, inefficient, and hindered by subornation and intimidation of judges, prosecutors, and witnesses. In 2009 the U.N. special rapporteur on the independence of judges and lawyers reported that a high level of threats and attacks against judicial personnel contributed to a high rate of impunity; although the government attempted to address the situation, there was little change.

Judicial authorities were subjected to threats and acts of violence. Although the Prosecutor General's Office had a witness protection program for witnesses in criminal cases, witnesses who did not enter the program remained vulnerable to intimidation, and many refused to testify.

The military justice system may investigate and prosecute active-duty military and police personnel for crimes "related to acts of military service." The military penal code specifically defines torture, genocide, massacre, and forced disappearance as crimes unrelated to military service. All human rights violations are considered unrelated to military service and must be handled by the civilian justice system, although due to delays, this did not always happen in practice. More than 170 homicide cases were transferred from the military to the civilian justice system in the first six months of the year. Many cases were transferred as part of a plan in which officials from the military justice system and the Prosecutor General's Office met regularly to analyze cases in an attempt to reach agreement on those to be transferred without being referred to a lengthy, higher-level review by the Supreme Judicial Council. The military penal code specifically excludes civilians from military jurisdiction, and civilian courts must try retired military and police personnel, although military courts are responsible for service-related acts committed prior to their retirement.

The military penal code denies commanders the power to impose military justice discipline on their subordinates and extends legal protection to service members who refuse to obey orders to commit human rights abuses. The army has discretionary authority to dismiss personnel who may be implicated in human rights abuses.

The Prosecutor General's Office is responsible for investigations and prosecutions of criminal offenses. Its Human Rights Unit, which includes 13 satellite offices, specializes in investigating human rights crimes, and its 102 specialized prosecutors were handling a total of 5,731 active cases at the end of June.

The Inspector General's Office investigates allegations of misconduct by public employees, including members of the state security forces. The Inspector General's Office referred all cases of human rights violations it received to the Prosecutor General Office's Human Rights Unit. As of November the Inspector General's Office had opened 110 disciplinary processes against members of the armed forces for human rights offenses and resolved 125 processes, including some from previous years.

Trial Procedures.—Under the new accusatorial criminal procedure code, the prosecutor presents an accusation and evidence before an impartial judge at an oral, public trial. The defendant is presumed innocent and has the right to confront the evidence against him at trial and present his own evidence. No juries are involved. Crimes committed before implementation of the new code are processed under the prior written inquisitorial system in which the prosecutor is an investigating magistrate who investigates, determines evidence, and makes a finding of guilt or innocence. The "trial" consists of the presentation of evidence and finding of guilt to a judge for ratification or rejection.

In the military justice system, military judges preside over courts-martial without juries. Counsel may represent the accused and call witnesses, but the majority of fact-finding takes place during the investigative stage. Military trial judges issue rulings within eight days of a court-martial hearing. Representatives of the civilian Inspector General's Office are required to be present at courts-martial.

Criminal procedure within the military justice system includes elements of the inquisitorial and accusatorial systems. Defendants are considered innocent until proven guilty and have the right to timely consultation with counsel. A Constitutional

Court ruling forbids military attorneys from undertaking defense counsel duties. Defendants must retain counsel at their own expense or rely on defenders paid by a private fund.

In November the government advocated deep changes to the military justice system, including a constitutional reform that would presume jurisdiction for the military courts when alleged crimes are committed by military personnel "in the course of duty." Some observers expressed concern that these reforms could lead to human rights abuses by military personnel being investigated and tried in the military justice system, in contravention of a 1997 Constitutional Court decision that human rights cases be handled by the civilian judiciary.

In June the Ministry of Defense announced 15 measures designed to reduce impunity for human rights violations committed by members of the armed forces. These measures are in addition to the 15 measures adopted in 2008 because of investigations carried out in the aftermath of the Soacha cases (see section 1.g.).

In the past year civilian courts convicted military members for past human rights violations. For instance, on April 29, the former commander of the army's 13th Brigade, retired general Jesus Armando Arias Cabrales, was sentenced to 35 years in prison for his role in the 1985 Palace of Justice case. This was the second-most severe sentence in the country's history for an officer of his rank, after retired general Jaime Humberto Uscategui's sentence of 40 years (see section 1.c.), which was under appeal at year's end. Cabrales was held responsible for giving orders for the identification and interrogation of 11 civilians rescued from the palace who later disappeared. In May the Inspector General's Office appealed the conviction on the basis that there was no proof that Arias Cabrales had ordered or participated directly in the disappearances. Arias Cabrales continued to be held at a military base in Bogota while his case was pending appeal.

Political Prisoners and Detainees.—The government stated that it did not hold political prisoners. Members of human rights advocacy groups were held on charges of conspiracy, rebellion, or terrorism, which the groups described as harassment tactics by the government against human rights advocates (see section 5). According to INPEC there were 1,920 detainees accused or convicted of rebellion or aiding and abetting insurgence. The government provided the ICRC access to these prisoners.

Civil Judicial Procedures and Remedies.—Citizens can sue a state agent or entity in the Administrative Court of Litigation for damages resulting from a human rights violation. Although critics complained of delays in the process, the court generally was considered impartial and effective.

Property Restitution.—On June 10, President Santos signed the Victims' Assistance, Reparations, and Land Restitution Law (Land and Victims' Law), intended to benefit approximately four million citizens in the next 10 years with assistance and reparations to victims, including victims of the state. The law establishes a new institutional framework for reparations. Programs previously administered by the Presidential Agency for Social Action (Accion Social) were redistributed and assigned to various units within the newly created Administrative Department for Social Prosperity (DPS). This new department includes administrative units for victims, consolidation, historical memory, combating poverty, and protection of children and adolescents. The Victims' Administrative Unit has the governmental lead on attention to victims and assumed the functions previously under the National Commission for Reparation and Reconciliation.

In anticipation of the Land and Victims' Law, in October 2010 the government began implementing a land restitution and formalization of a "shock plan." By year's end the government had restored and titled 1.7 million acres to more than 30,000 families. Of these, 269,800 acres were transferred to indigenous communities, 44,800 to the internally displaced, and 16,400 to Afro-Colombian communities. Focus areas of the plan included Antioquia, Bolivar, Cesar, Choco, and Magdalena. With the Land and Victims' Law, the government established a new goal to deliver 2.97 million acres to 160,000 families by 2014.

For many small landowners, formal land titling remained a daunting process. Government agencies and human rights groups estimated that illegal groups, including guerrillas, have seized between 1.1 and 2.7 million acres of land from small landowners during the decades-long conflict. Paramilitary groups stole the majority of the land, only a fraction of which was reclaimed by the government after the demobilization of the AUC in 2006.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and while the government generally respected these prohibitions in practice, there were allegations of exceptions by some intelligence agencies. The law requires government authorities to obtain a warrant signed by a senior prosecutor to enter a private home without the owner's consent, unless the suspect

has been caught during hot pursuit, and government authorities generally adhered to these regulations.

Government authorities generally need a judicial order to intercept mail or monitor telephone conversations, including in prisons. However, government intelligence agencies investigating terrorist organizations sometimes monitored telephone conversations without judicial authorization, although evidence obtained in such a manner could not be used in court.

Credible allegations of Administrative Department of Security (DAS), the now dismantled civilian intelligence agency, surveillance of high court magistrates, journalists, human rights organizations and activists, opposition leaders, and the vice presidency prompted an investigation by the CTI in 2009 that continued at year's end. Press reports and court documents indicated DAS surveillance designed to prepare prosecutions against victims and disrupt human rights groups' activities included physical monitoring of individuals and their families, telephone and e-mail intercepts, and collection of personal and financial data. NGOs continued to accuse domestic intelligence entities of spying on human rights defenders, threatening them, and breaking into their homes to steal information. In April unknown assailants attempted to break into the apartment of Zoraida Hernandez, president of the NGO Sembrar Corporation and spokeswoman for MOVICE. In May thieves broke into the home of Danilo Rueda, a human rights lawyer with the Interchurch Commission of Justice and Peace, and stole information documenting alleged military human rights abuses.

During the year the Prosecutor General's Office continued to investigate numerous DAS employees and achieved several convictions by year's end. In July the Prosecutor General's Office asked the Supreme Court to impose the maximum sentence, 12 years, on six former senior and mid-level DAS employees: Martha Leal, former deputy director of operations; Jacqueline Sandoval Salazar, former director of counterintelligence; Jorge Armando Rubiano Jimenez, former member of the counterintelligence division; Hugo Daney Ortiz, former deputy director of operations; Jose Alexander Velasquez, former coordinator of the counterintelligence division's verification group; and Enrique Alberto Ariza Rivas, former director of intelligence. They were charged with aggravated conspiracy, illegal violation of communications, improper authorization of transmission equipment, and abuse of authority.

In August three former DAS officials—Gustavo Sierra, Fabio Duarte Traslavina, and German Enrique Villalba Chaves—were sentenced to prison for their role in illegal wiretapping. They were charged with illicit violation of communications, use of illicit transmission equipment, abuse of authority, and aggravated conspiracy. Sierra, former DAS subdirector for analysis, was sentenced to eight years in prison, while Duarte and Villalba received six years and one month for their participation in the DAS subunit that carried out the illegal operations.

On September 15, a judge sentenced former DAS director Jorge Noguera (2002-05) to 25 years in prison for his ties to paramilitary groups and his role in creating the intelligence unit that illegally collected information on NGOs, opposition politicians, and journalists. Former DAS director Maria del Pilar Hurtado (2007-08) was granted political asylum in Panama while the prosecutor general was in the process of filing illegal wiretapping charges against her. In May a Colombian judge issued a warrant for her arrest, and the Prosecutor General's Office requested that Interpol issue a Red Notice (a call for the provisional arrest of a wanted person, with a view to extradition) for Hurtado's detention. At the time the Panamanian government stated it would not extradite Hurtado. In December the government formally requested Hurtado's extradition; the request was pending at year's end.

In July a Bogota superior tribunal judge ordered the preventive detention of Bernardo Moreno, former secretary to former president Uribe, following a petition by the victims and supported by the Prosecutor General's Office that asserted Moreno attempted to interfere with the investigation of the presidency's alleged role in the wiretapping scandal. On August 18, an investigative commission in the House of Representatives conducted a public hearing as part of its investigation into former president Uribe's role in the illegal wiretapping. At year's end the congressional panel had not announced a decision to proceed with a formal probe into Uribe's alleged wrongdoing.

On October 31, President Santos issued a decree that dismantled the DAS and called for the final transfer of the majority of the 6,500 DAS employees to the Prosecutor General's Office, Ministry of Foreign Affairs, Ministry of Interior, and CNP by December 31. The National Intelligence Directorate, created by executive decree on November 3, is responsible for intelligence alone and does not have arrest authority.

The government continued to use voluntary civilian informants to identify terrorists, report terrorist activities, and gather information on criminal gangs. Some na-

tional and international human rights groups criticized this practice as subject to abuse and a threat to privacy and other civil liberties.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—The country's decades-long internal armed conflict involving government forces and two terrorist guerrilla groups (FARC and ELN) continued. The conflict and narcotics trafficking, which both fueled and prospered from the conflict, were the central causes of multiple violations of citizens' rights.

Guerrilla group members continued to demobilize. At the end of October, according to the Ministry of Defense, 1,314 members of guerrilla groups had demobilized, compared with approximately 2,045 during the same period in 2010, a 36 percent reduction in demobilizations. The Organization of American States (OAS) verified all stages of demobilization and reintegration into society of former combatants from both guerrilla and paramilitary groups.

Killings.—Security forces were responsible for alleged unlawful killings. CINEP reported that there were five such killings during the first six months of the year, compared with 37 in the same period of 2010. The Prosecutor General's Office reported that as of June it was pursuing 1,592 cases involving 2,731 victims of extrajudicial killings by the armed forces that had occurred since 1985. A large number of the reported cases involved army members. As of November the Prosecutor General's Office had obtained convictions of 393 accused members of the security forces. In total, 4,124 individuals were implicated in the 1,633 cases before the Human Rights Unit. At year's end the Prosecutor General's Office was investigating 18 colonels, 27 lieutenant colonels, 58 majors, and 107 captains, in addition to thousands of lower-ranked military personnel.

According to CINEP, the Office of the U.N. High Commissioner for Human Rights (OHCHR), and the Presidential Program for Human Rights, the number of extrajudicial killings falsely reported as killed in combat fell significantly compared with previous years. The Prosecutor General's Human Rights Unit reported it did not open any new cases of extrajudicial killings alleged to have occurred during the year. However, CINEP documented five cases involving four victims through November. For example, CINEP reported that on June 10, soldiers from the 18th Brigade shot and killed indigenous leader Humberto Peroza Wampiare and alleged he was killed in combat in rural Arauca. Peroza was a member of the Hitnu ethnic group and lived in the indigenous reserve La Voragine. On June 18, army General Navas issued a statement indicating the army was working with the Office of the Inspector General to investigate the case and the soldiers involved.

On June 3, a judge in Cimitarra (Santander) handed down the first convictions linked to the 2008 Soacha "false positives" cases. The judge found eight soldiers guilty of aggravated homicide and forced disappearance for the March 2008 killings of Eduardo Garzon Paez and Daniel Andres Pesca Olaya. Both were reported as killed in combat in Cimitarra by members of the Caldas Battalion of the army's Fifth Brigade. All eight military defendants, which included the battalion commander, were convicted of two counts of aggravated homicide and forced disappearance. Their sentences ranged from 28 to 55 years in prison. At year's end there were at least 10 other legal cases involving 14 victims associated with the Soacha scandal that were pending in courts in Bogota, Cucuta, and Bucaramanga.

The government continued reforms to improve the human rights performance of the security forces. The Ministry of Defense continued to implement an agreement with the OHCHR to monitor seven of the ministry's 15 measures to improve adherence to human rights. The first four measures evaluated included the role of inspector delegates, operational legal advisors, inspections teams, and the complaints system. During joint UN-Defense Ministry visits to military bases, the ministry and the armed forces granted OHCHR staff broad access to files and military personnel to determine if the measures were being implemented effectively. The ministry also created four offices of indigenous affairs in each of the military commands and named 73 regional officials to liaise with indigenous communities.

FARC and ELN guerrillas killed members of government security forces. For example, on October 10, FARC guerrillas detonated explosives and killed seven soldiers in the municipality of Caloto in Cauca Department. On November 26, the FARC executed four hostages—army Sergeant Jose Libio Martinez (who had been held by the FARC for 14 years), police Colonel Edgar Yeside Duarte, Lieutenant Elkin Hernandez Rivas, and Alvaro Moreno. FARC guerrillas killed the four men with gunshots to the back of the head when the military attempted to rescue them. A fifth hostage, police Sergeant Luis Alberto Erazo Mayo, kidnapped in 1999, escaped.

The FARC used ruses to kill civilians and government security forces. For example, on August 7, suspected FARC guerrillas detonated a remote-controlled impro-

vised explosive device hidden in sugar to kill community leader Maria Elizabeth Quiroz in Campamento, Antioqua.

In many areas of the country, the FARC and ELN worked together to attack government forces or demobilized paramilitary members; in other areas, especially in Arauca, Valle del Cauca, Cauca, and Narino departments, they fought each other. Various courts convicted members of the FARC secretariat in absentia on charges including aggravated homicide.

The FARC killed persons it suspected of collaborating with government authorities or alleged paramilitary groups. The CNP reported that through September the FARC had killed at least 225 civilians. For example, on May 7, members of the FARC's 30th Front forcibly abducted five Afro-Colombian men from the same family in Bajo Naya, Cauca Department, and the next day told the victims' family members that the men were dead.

Abductions.—Organized criminal gangs, FARC and ELN guerrillas, and common criminals continued to take hostages for ransom. According to the Ministry of Defense, of the 298 individuals kidnapped during the year; 177 were attributed to common crime. Organized criminal gangs were responsible for 13 kidnappings. Forty of the 298 individuals kidnapped continued to be held by their captors at year's end.

The FARC and ELN continued to commit numerous kidnappings, which remained a major source of revenue. The FARC also held politicians, prominent citizens, and security force members to use as pawns in prisoner exchanges. Fondelibertad reported that guerrillas kidnapped 108 persons (77 by the FARC and 31 by the ELN) during the year.

On September 29, assailants abducted the 10-year-old daughter of the mayor of Fortul, Arauca, as she arrived at school with her mother. The abductors released her mother and held the girl for 20 days before releasing her in the nearby municipality of Arauquita on October 17. On November 20, authorities arrested three members of the FARC and charged them with the kidnapping. The investigation continued at year's end.

FARC members were convicted for kidnappings. For example, on June 14, a Villavicencio judge sentenced former FARC member Daniel Vega Quitora to nine years and four months in prison for kidnapping Meta Governor Alan Jara, who was held for more than seven years.

Foundation Free Country (Fundacion Pais Libre), an NGO that monitors kidnapping, continued to criticize Fondelibertad's numbers and said that simple kidnappings were not documented comprehensively. As a result families of victims who were not officially declared as "kidnapped" were unable to obtain government benefits. The foundation counted 229 kidnappings through September, a 10 percent increase over its calculations for 2010. It considered 62 percent of kidnappings were for ransom.

Abductions.—According to preliminary reporting from the Presidential Program of Integrated Action Against Anti-Personnel Mines, land mines, deployed primarily by the FARC and ELN, caused 369 injuries and 65 deaths through October, approximately a 30 percent increase in injuries and more than double the number of deaths compared with the same period in 2010. An estimated 65 percent of landmine victims during the year were military personnel. As of October land mines killed or injured at least 30 children. The International Campaign to Ban Land Mines stated that the FARC continued to be the largest individual user of land mines and that the ELN also continued to use land mines. Government humanitarian demining brigades cleared more than 390,000 square yards and destroyed 173 land mines, improvised explosive devices, and unexploded munitions through November.

Child Soldiers.—The recruitment and use of children by illegal armed groups was widespread. In 2010 UNICEF estimated the number of children participating in illegal armed groups ranged from 10,000 to 13,000. The Colombian Family Welfare Institute (ICBF) reported that it was impossible to know how many children were serving as soldiers for the FARC. However, in May the ICBF reported that 4,631 children had demobilized from illegal armed groups between 1999 and April 2011. On August 9, the ICBF director reported to Congress that 328 children had demobilized in the first seven months of the year, 85 percent of whom were boys. She reported that child recruitment continued to be a problem in the departments of Choco, Putumayo, Narino, and Cauca. In 2010 the U.N. reported that the FARC used children to fight, recruit other children to act as spies, gather intelligence, serve as sex slaves, and provide logistical support. The penalty for leaders of armed groups who use child soldiers is life imprisonment. The government agreed to the International Criminal Court's penalty for child recruitment when it ratified the Rome Statute in 2002 but delayed application of the law to provide an incentive to

all illegal groups, especially the FARC, to free recruited children. The delay remained in effect at year's end.

International organizations continued to identify recruitment of indigenous youth by illegal armed groups as a serious concern. In February the U.N. Permanent Forum on Indigenous Issues called on illegal armed groups to cease recruiting indigenous youth and urged the groups to release any children they had recruited. The FARC continued to issue warnings to indigenous communities outlining a policy to conduct child recruitment and warning recipients not to challenge it. In June the Regional Indigenous Council of Cauca denounced the FARC's "systematic" forced recruitment of children, including some as young as eight years old.

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

Other Conflict-related Abuses.—Guerrilla groups and organized criminal groups prevented or limited the delivery of food and medicines to towns and regions in contested drug-trafficking corridors, straining local economies and increasing forced displacement. The FARC attacked medical personnel and medical centers. For example, on July 11, the FARC used explosives to destroy a medical center in Yarumal, Antioquia. The FARC used elaborate ruses to attack security forces. On December 6 in Florencia, Putumayo, suspected FARC guerrillas planted explosives on the body of a person they had killed; when a team of police investigators arrived to investigate the corpse, the FARC detonated the explosives, injuring four police officers.

Guerrillas forcibly displaced peasants to clear key drug and weapons transit routes in strategic zones and remove individuals who collaborated with the government or organized criminal gangs, which included paramilitary members who refused to demobilize. Guerrillas also imposed de facto blockades of communities in regions where they had significant influence. For example, international organizations reported many incidents in which illegal armed groups forcibly recruited indigenous people or forced them to collaborate, restricted their freedom of movement, and blockaded their communities. During the year the U.N. Permanent Forum on Indigenous Issues, which visited the country in 2010, continued to receive reports of rape, forced recruitment, use of minors as informants, and other abuses in the context of conflict.

Organized criminal groups also continued to displace civilians residing along key drug and weapon transit corridors (see section 2.d.).

International organizations reported that systemic sexual violence against women and girls by some armed actors persisted (see section 6, Women). The human rights NGO Sisma Mujer, Amnesty International, and others reported that sexual violence remained one of the main tools used by armed actors to force displacement. In December the Office of the U.N. High Commissioner for Refugees (UNHCR) and the U.N. Development Program reported that 17 percent of forced displacements were the result of sexual violence.

Organized criminal gangs and FARC and ELN guerrillas routinely interfered with the right to privacy. These groups forcibly entered private homes, monitored private communications, and engaged in forced displacement and conscription. The standing orders of the FARC, which had large numbers of female combatants, prohibited pregnancies among its troops. There were numerous credible reports of compulsory abortions to enforce the order.

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 the government generally respected these rights in practice. An independent press and functioning democratic political system combined to ensure freedom of speech and of the press.

Violence and Harassment.—The independent media were active and expressed a wide variety of views without restriction. However, journalists reported being harassed by political candidates, public servants, and some security forces, particularly leading up to the October 30 local elections. According to the NGO Foundation for Press Freedom (FLIP), as of November 1, of 112 violations of press freedom, 35 cases were perpetrated by political candidates or public servants. FLIP reported that press freedom violations were most common in regions most affected by the conflict, including Arauca, Guaviare, Caqueta, and North Santander.

Nongovernmental Impact.—Members of illegal armed groups intimidated, threatened, kidnapped, and killed journalists. National and international NGOs reported that local media representatives regularly practiced self-censorship because of threats of violence. As of July, 211 journalists were receiving protection from the Ministry of the Interior and Justice's protection program. The ministry also supported an alert network organized for journalists by providing a small number of

radios and an emergency telephone hotline. The Human Rights Unit of the Prosecutor General's Office was investigating more than 100 individuals involved in 45 active cases of crimes against journalists. At year's end the unit had achieved 18 convictions of 26 perpetrators.

According to FLIP, during the year one journalist, Luis Eduardo Gomez, was killed, compared with two journalists killed in 2010. On June 30, unknown assailants killed the independent journalist near his home in Arboletes, Antioquia. Authorities continued to investigate Gomez's death at year's end.

On May 26 in Popayan, Cauca, two gunmen attempted to shoot journalist Hector Aurelio Rodriguez Castro as he arrived at the radio station where he worked. Police, who were already providing Rodriguez with protection, quickly intervened and arrested Andres Neil Palacios Mena and Luis Alberto Palacios Hurtado. The two were convicted of attempted murder in September and sentenced to nine years in prison.

FLIP reported that 118 journalists received death threats, compared with 56 in 2010. Two journalists went into voluntary exile because of threats, the same number as in 2010.

The Prosecutor General's Office made progress investigating the abduction and rape in 2000 of investigative journalist Jineth Bedoya. In May Bedoya's lawyers presented the case before the Inter-American Commission for Human Rights. The Prosecutor General's Office also interviewed former paramilitary elements with knowledge of the case. The case was pending at year's end.

Censorship or Content Restrictions.—On September 12, a judge in Fusagasuga convicted Luis Agustin Gonzalez, editor of the regional newspaper Democratic Cundinamarca, on charges of libel and slander due to an editorial he wrote in 2008 questioning a gubernatorial candidate. The Superior Tribunal of Cundinamarca was reviewing an appeal of the ruling at 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. However, guerrillas maintained a presence on many university campuses to generate political support for their respective causes and undermine support for their enemies through both violent and nonviolent means. Organized criminal gangs and FARC and ELN guerrillas threatened, displaced, and killed educators and their families for political and financial reasons, often because teachers represented the only government presence in the remote areas where the killings occurred. According to the Presidential Program for Human Rights, assailants killed 15 educators through October, a decrease of 44 percent from the same period in 2010. Threats and harassment caused many educators and students to adopt lower profiles and avoid discussing controversial topics.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the government generally respected these rights in practice. Freedom of association was limited in practice by threats and acts of violence committed by illegal armed groups against NGOs, indigenous groups, and labor unions (see section 1.g.).

Although the government does not prohibit membership in most political organizations, membership in organizations that espoused or carried out acts of violence, such as the FARC, ELN, and paramilitary groups, was illegal.

c. Freedom of Religion.—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 while the government generally respected these rights in practice, there were exceptions. Military operations and occupation of certain rural areas restricted freedom of movement in conflict areas.

The government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement.—Organized criminal gangs and FARC and ELN guerrillas continued to establish illegal checkpoints on rural highways and rivers, but an enhanced government security presence along major highways suppressed kidnappings. The government reported only one kidnapping at an illegal roadblock, occurring in the municipality of Totoro, Cauca, in March (see section 1.b.). In addition, on July 25, the mayor of Almaguer, Cauca, was kidnapped while traveling a

rural road at night. He escaped from his captors—10 unidentified armed men—two weeks later. International organizations also reported that illegal armed groups confined rural communities, hindered return, and prevented the free movement of people, especially in areas where narcotics cultivation and trafficking persisted.

Exile.—The law prohibits forced exile, and the government did not employ it. However, many persons went into self-imposed exile because of threats from organized criminal gangs and FARC and ELN guerrillas.

Internally Displaced Persons (IDPs).—The internal armed conflict, especially in remote areas, was the major cause of internal displacement. The government, international organizations, and civil society identified various factors driving displacement, including threats and physical, psychological, and sexual violence by illegal armed groups against civilian populations; competition and armed confrontation between illegal armed groups for resources and territorial control; confrontations between security forces, guerrillas, and organized criminal gangs; and forced recruitment of children or threats of forced recruitment. Some NGOs complained that counternarcotics efforts, illegal mining, and large-scale economic projects in rural areas also contributed to displacement. The Land and Victims' Law provides for the restitution of land stolen by illegal armed groups from IDPs and other victims. The government estimated the law would require more than $20 billion and a decade to implement.

Estimates of the numbers of IDPs varied. Accion Social registered 143,116 new displacements during the year, a 7 percent increase from the same period in 2010.

DPS statistics showed that new displacements primarily occurred in areas where narcotics cultivation and trafficking persisted, especially where guerrilla groups and organized criminal gangs were present, such as the Bajo Cauca area of the department of Antioquia, as well as in the departments of Cauca, Choco, Narino, and Meta. According to the DPS, during the year Antioquia registered the highest number of IDPs (29,170), followed by Valle del Cauca (22,608), Narino (21,571), Cauca (13,647), Cordoba (10,257), Caqueta (8,066), Choco (7,033) and Tolima (5,549). The NGO Consultancy for Human Rights and Displacement (CODHES) estimated that 259,146 persons were displaced during the year. According to CODHES the departments that received the highest number of IDPs during the year were Antioquia (64,043), Narino (28,694), Cauca (19,549), Valle del Cauca (17,489), and Cordoba (10,561).

The government has registered an accumulated total of 3.9 million persons displaced since 1997 (including those displaced in years before the registration system was established), while CODHES estimated that more than five million persons had been displaced as a result of the conflict since 1985. Accion Social attributed a large part of the growth in cumulative IDP registrations in recent years to a 2008 court order requiring the government to include displacements from all previous years in the national IDP registry. The court order also prohibited the government from removing an individual from the IDP registry regardless of how many years had passed since displacement. Because of the continuing nature of the conflict and cumulative nature of government IDP registrations, the country had one of the largest populations of registered IDPs in the world.

The government's national registry included registered IDPs whose applications for recognition had been accepted under defined criteria, while CODHES estimated new displacements based on information from the media, civil society, and fieldwork. CODHES also included as IDPs an undetermined number of coca and opium poppy producers who migrated in response to governmental drug eradication efforts, as well as those who migrated due to poor economic conditions and food insecurity resulting from the armed conflict.

Despite improvements in the government registration system, international organizations and NGOs remained concerned about underregistration of IDPs. CODHES cited the government's denial of many registrations, lack of access to the registration system in some areas, and fear of retaliation from illegal armed groups as obstacles to full registration. The Monitoring Commission for Public Policy on Forced Displacement, a civil society body that evaluates and reports on internal displacement, noted important advances in the inclusion of IDPs in the national system, but it expressed concern over the rising rate of refusals and what it characterized as a 29 percent underregistration rate. During the year Accion Social refused approximately 28 percent of IDP registrations as ineligible, compared with a 31 percent refusal rate in 2010. Accion Social reported that the relatively higher refusal rate in recent years was a result of improved verification of IDPs. Government policy provides for an appeals process in the case of refusals.

FARC and ELN guerrillas and organized criminal gangs continued to use forced displacement to gain control over strategic or economically valuable territory, weak-

en their opponents' base of support, and undermine government control and authority. Illegal armed groups also used land mines and roadblocks to confine entire villages to protect illicit crops and prevent pursuit by state security forces. The FARC, ELN, and organized criminal gangs continued to use force, intimidation, and disinformation to discourage IDPs from registering with the government. Guerrilla agents often forced local leaders and community members to demonstrate against illicit crop eradication efforts and sometimes forced communities to displace as a form of coerced protest against eradication. International organizations and civil society expressed concern over the increase in urban displacement caused by violence stemming from territorial disputes between criminal gangs, some of which had links to larger criminal and narcotics trafficking groups.

According to DPS statistics, during the year the government registered 10,550 persons as intraurban IDPs. The Medellin Human Rights Ombudsman's Office reported that there were 8,434 intraurban IDPs in Medellin through October. The Medellin ombudsman did not use the same registration criteria as the DPS. The report cited threats, recruitment by illegal armed groups, homicides, violence, and sexual violence as the primary causes of intraurban displacement.

During the year the government registered 4,961 new IDPs who identified themselves as indigenous and 34,851 who identified themselves as Afro-Colombian. Indigenous persons constituted 3 percent of new IDPs registered by the government and Afro-Colombians 23 percent. The government reported that indigenous people made up 2.5 percent and Afro-Colombians 9 percent of the total IDP population. The ICRC and UNHCR reported that indigenous and Afro-Colombian groups were disproportionately affected by displacement in some departments.

The National Indigenous Organization of Colombia (ONIC) estimated the number of displaced indigenous persons to be much higher than indicated by government reports, since many indigenous persons did not have adequate access to registration locations due to geographic remoteness, language barriers, or unfamiliarity with the national registration system. In 2010 ONIC Director Javier Sanchez told the Inter-American Commission for Human Rights that at least 64 indigenous communities risked extinction as a result of the conflict, the primary cause for the displacement of indigenous peoples. CODHES estimated that the departments with the highest level of displacement of indigenous persons included Putumayo, Cordoba, Choco, Cauca, Narino, Caqueta, Meta, and Guaviare. The local NGO Association of Internally Displaced Afro-Colombians (AFRODES) reported in 2010 that 76 percent of displaced who registered did not answer the question about ethnicity; therefore, official statistics underrepresented the impact of displacement on Afro-Colombian communities. AFRODES estimated that Afro-Colombians made up as much as 25 percent of the total displaced population.

AFRODES stated that threats and violence against Afro-Colombian leaders and communities continued to cause high levels of forced displacement, especially in the Pacific Coast region. AFRODES and other local NGOs also repeatedly expressed concern that large-scale economic projects, such as agriculture and mining, contributed to displacement in their communities.

The government, international humanitarian assistance organizations, and civil society groups observed that mass displacements continued, representing 11 percent of the total 143,116 persons displaced during the year according to government statistics. The National Observatory for Displacement reported 80 mass displacement events affecting more than 19,000 persons during the year, 15,782 of whom were included in the national registry, compared with 58 mass displacement events affecting 8,971 persons in 2010. According to the DPS, the departments with the highest numbers of IDPs from mass displacements in the year were Antioquia, Narino, Cordoba, Cauca, and Choco. CODHES reported 58 mass displacement events during the year, affecting approximately 26,900 persons, primarily in the departments of Cauca, Narino, Cordoba, and Antioquia.

The U.N. Office for the Coordination of Humanitarian Affairs, the UNHCR, and other international organizations reported on mass displacements in other departments throughout the year. For example, in February and early March, approximately 800 Afro-Colombians were forced to displace from rural communities near Buenaventura, Valle de Cauca, after illegal armed groups perpetrated a series of violent events including killings, the forced disappearance of a community leader and her husband, and threats. In early August 168 individuals from 62 families were forced from rural communities in Pradera, Antioquia, after the FARC attacked army forces in the area.

CODHES also reported that at least nine IDP community and land-rights leaders were killed during the year, bringing the number of such leaders killed since 2002 to 54. On June 8, unknown assailants shot and killed Afro-Colombian IDP community leader and land tenure advocate Ana Fabricia Cordoba on a bus in Medellin.

Cordoba had previously reported receiving threats related to her advocacy, and the government stated that Cordoba had not complied with the police-conducted risk analysis required to grant her government protection. On December 17, unknown assailants killed Alexa Gomez Polaina, president of Weavers of Life, an association that advocates the rights of displaced people. Investigation of both cases continued at year's end, as did investigations of similar cases in previous years. On December 4, President Santos announced that the government would offer financial rewards for information leading to the arrest and conviction of those who threatened or killed land-rights leaders.

The government budgeted 1.5 trillion pesos (approximately $776 million) to assist IDPs during the year. Assistance to registered IDPs was delivered through Accion Social, the ICBF, the Ministry of Social Protection (MSP), and other governmental ministries and agencies. During the year Accion Social budgeted approximately 815 billion pesos ($421 million) for direct IDP assistance, providing emergency food assistance to 600,000 persons, primarily IDPs. Accion Social also coordinated the return of approximately 19,965 displaced households during the year. International organizations and NGOs acknowledged the government's significant progress in improving programs and budgets for IDP assistance but maintained that the quality of programs providing emergency assistance, housing, income generation, and land restitution needed more improvement. CODHES estimated that more than half of displaced women were not registered and therefore were not receiving any emergency assistance. In 2010 Accion Social, the Prosecutor General's Office, and the CNP established a specialized unit to investigate and prosecute cases of forced displacement and disappearances. The unit included 22 prosecutors from the Prosecutor General's Office, 44 prosecutor and judicial assistants, and 85 investigators from the National Judicial Police. At year's end the displacement unit was working to transfer approximately 50,000 pending complaints from other units in the Prosecutor General's Office for possible investigation.

Assistance organizations pointed out that emergency response to mass displacements was more difficult and costly to mount, because most displacements took place in remote locations; however, the speed and effectiveness of the response continued to improve. Accion Social and other government agencies began response to most mass displacement events immediately. International organizations and civil society reported that a lack of local capacity to accept registrations in high-displacement areas often delayed by several weeks or months assistance to persons displaced individually or in smaller groups. Intense fighting and insecurity in conflict zones, including areas in the departments of Antioquia, Cauca, and Narino, sometimes delayed national and international aid organizations from accessing newly displaced populations. The government took steps with international organizations and NGOs to improve the registration system and reduce the wait time, including prioritizing the vulnerable cases, holding registration fairs in high-displacement areas, and deploying more resources and equipment.

Despite several government initiatives to enhance IDP access to services and awareness of their rights, many IDPs continued to live in poverty with unhygienic conditions and limited access to health care, education, or employment. In 2004 the Constitutional Court ordered the government to reformulate its IDP programs and policies, including improving the registration system. Since then the court has issued more than 100 follow-up decisions, some addressing specific cross-cutting issues such as gender, disabled persons, and ethnic minorities, and others analyzing specific policy components such as land and housing.

In its March 16 report to the Constitutional Court, Accion Social cited improvements in institutional and territorial coordination, enhanced registration systems, involvement of IDP and community authorities and associations, increased IDP policy and program budget, and improved monitoring and evaluation of assistance and rights. The Monitoring Commission for Public Policy on Forced Displacement acknowledged some of the improvements cited in the government response but asserted that significant gaps remained.

On October 13, the Constitutional Court issued another follow-up decision that recognized significant progress in health and education but identified significant shortcomings, including in the areas of displacement prevention, housing, and income generation. The court also acknowledged the importance of the new Land and Victims' Law and asked the government for a complete report on how IDPs' rights would be addressed under the new legal framework and the budget required for that purpose.

Several international organizations and domestic nonprofit groups, such as the International Organization for Migration (IOM), World Food Program, ICRC, and Colombian Red Cross, coordinated with the government to provide emergency relief and long-term assistance to displaced populations.

Displaced persons also sought protection across international borders as a result of the internal armed conflict. The UNHCR reported in its 2010 Global Trends report released in June that Colombia was the country of origin for 113,233 refugees and 59,954 asylum seekers, the majority in Ecuador, Venezuela, Costa Rica, and Panama. In 2010 the governments of Colombia and Ecuador formed a bilateral refugee commission to discuss the situation of Colombian refugees in Ecuador, including plans for voluntary returns. In September Foreign Minister Maria Angela Holguin announced that the government would contribute $500,000 to UNHCR Ecuador for programs in support of Colombian refugees in Ecuador. She also announced a contribution of $200,000 to the IOM to support voluntary returns of Colombian refugees from Ecuador.

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 reserved the right to determine eligibility for asylum based upon its own assessment of the nature of an applicant's claim. According to the government, it had approved 109 applications of the 890 applications for refugee status since 2003. The majority of those who had presented applications abandoned them and left before a refugee status determination was completed. As of June the government had received 61 applications for refugee status: five were approved, 37 were rejected, and the others were pending at year's end. According to the government, 101 recognized refugees resided in the country. During the year the government received 131 applications for refugee status, including from persons from Cuba, Eritrea, Ethiopia, and Afghanistan. Of these cases, two persons were approved for refugee status, 112 were rejected, and 17 were pending at year's end. The government also reported an increase in the smuggling of migrants from outside the region, primarily from Asia and East Africa, en route to the United States and Canada. The government regularly provided access to the asylum process for such persons who requested international protection; however, nearly all abandoned their applications and continued on the migration route before a refugee status determination was completed.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, generally free and fair elections based on nearly universal suffrage. Active-duty members of the armed forces and police may not vote or participate in the political process. Civilian public employees are eligible to vote, although they may participate in partisan politics only during the four months immediately preceding a national election.

Elections and Political Participation.—Recent Elections.—On October 30, the government held elections for local positions including governors, departmental representatives, mayors, and municipal councilors. The Electoral Observation Mission (MOE), an independent election-monitoring NGO, reported that between February and election day, of the approximately 102,000 candidates for local office, 41 were killed, 23 were attacked, seven were kidnapped, and 88 were threatened, for a total of 159 incidents of "political violence," compared with 149 during the previous local elections in 2007.

According to the NGO New Rainbow Foundation, electoral fraud remained a serious concern. The NGO reported that parties supported candidates with questionable financial ties paid voters to register and vote in municipalities in which they were not resident. According to New Rainbow Foundation, all parties' rosters included candidates with questionable ties. The MOE estimated that 600,000 people registered to vote in precincts where they were not legally resident. The government took steps to reduce fraud, introducing a new finance tool to ensure transparency of campaign funds, disqualifying candidates with pending criminal investigations, and canceling the national identification cards of voters who could not demonstrate residence or employment in the municipality where they registered to vote.

Following the election, on November 27, two men shot and killed Eladio Yascual Imbaquin, the MOE regional coordinator in Putumayo. The Prosecutor General's Office continued to investigate the case at year's end.

In June 2010 Juan Manuel Santos won a four-year term as president in elections that the OAS electoral observation mission considered generally free and fair. The OAS mission also noted that the 2010 elections involved the lowest levels of violence in 30 years.

Political Parties.—Political parties could operate without restrictions or outside interference. The Liberal and Conservative parties previously dominated politics. The 2010 election of President Santos and the second-place showing of Antanas Mockus

of the newly established Green Party reflected a continued widening of the political arena. More than a dozen political parties from across the political spectrum were represented in Congress.

Organized criminal gangs and the FARC threatened and killed government officials (see section 1.g.). According to the Presidential Program for Human Rights, seven municipal council members were killed through September, compared with eight in the same period in 2010.

Some local officials resigned because of threats from the FARC. A Ministry of Interior and Justice program provided protection to 199 mayors, 103 members of departmental congresses, and 2,448 council members as of July.

Participation of Women and Minorities.—The law requires that women be placed in at least 30 percent of appointed government posts and that the government report to Congress each year the percentage of women in high-level government positions. There were 15 women in the 102-member Senate and 19 in the 165-member House of Representatives. There were four women in the 16-member cabinet and three on the 23-member Supreme Court. In January the country's first female prosecutor general was sworn in; however, the validity of her election was challenged on several grounds.

Two indigenous senators and two indigenous members of the House of Representatives occupied seats reserved for indigenous persons. There were no indigenous persons in the cabinet or on any of the high courts.

Eleven Afro-Colombians served in Congress. There were eight self-identified Afro-Colombian members of the House of Representatives—six were elected, and two occupied seats reserved for Afro-Colombians. Although there were no seats reserved for Afro-Colombians in the Senate, there were three Afro-Colombian senators. Two Afro-Colombians served as deputy magistrates on the Constitutional Court. There were no Afro-Colombian cabinet ministers.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively; however, officials sometimes engaged in corrupt practices with impunity. The World Bank's worldwide governance indicators reflected that government corruption was a serious problem. Drug trafficking revenues exacerbated corruption.

On April 28, the Prosecutor General's Office, acting on a warrant issued by the Supreme Court, arrested and charged a senator for contracting irregularities associated with public works in Bogota, where the senator's brother served as mayor. In June the Senate voted to suspend the senator. In September the Supreme Court denied his appeal to be released on bail pending his trial. The former senator's trial began in November and continued at year's end.

On May 3, the Inspector General's Office suspended the mayor of Bogota for failing to fulfill his public duty and for contracting irregularities. On June 22, the Prosecutor General's Office filed charges against the suspended mayor on accusations that included failure to execute public contracts legally and embezzlement. On September 23, a Bogota judge ordered the former mayor detained pending trial on the basis that he could influence the judicial process by obstructing justice. The investigations followed the Democratic Pole party's own internal investigation, which found the mayor had benefitted from contracting processes that were not transparent. In October the inspector general suspended him from public office for 12 months. At year's end he remained in jail while the criminal investigation against him continued.

Investigations into a 2009 corruption scandal involving inappropriate use of the Agriculture Ministry's irrigation and drainage loan program continued during the year. On July 19, the inspector general barred the former agriculture minister from public service for a period of 16 years because of irregularities associated with contracts issued by the ministry during his tenure as minister. On September 16, the prosecutor general formally charged the former minister with embezzlement and failure to execute public contracts legally. At year's end he remained in jail while the trial continued. The Prosecutor General's Office continued to investigate other former government officials in connection with the scandal.

The Justice and Peace Law (JPL) process continued to expose corruption and paramilitary ties within the government and security forces. The president continued funding for the Supreme Court's investigative unit, which examined members of Congress and senior government officials. At year's end a total of 94 sitting or former congressional representatives and senators had been investigated; subsequently, 25 were acquitted and 37 convicted. Fifteen governors were investigated, eight of whom were convicted.

The primary government body to design and enforce policies against corruption was the Presidential Program for Modernization, Efficiency, Transparency, and Combating Corruption, led by the anticorruption czar. The primary government institution that investigates and prosecutes corruption is the Prosecutor General's Office, but the Congress plays an investigative role in cases in which high government officials are involved.

By law public officials must file annual financial disclosure forms with the tax authority. This information is not public. The Senate maintained a Web site on which senators could voluntarily post their financial information.

The law provides for public access to government information, and the government generally provided this access in practice. While there are no prohibitive fees to access government information, there were reports that some low-level officials insisted on bribes to expedite access to information.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views. The government and local human rights groups often differed in their evaluations and analyses of the human rights situation. NGOs reported that criticism from high-level officials, including former president Uribe, linking them to guerrilla groups put them at risk of retaliation by organized criminal gangs. While most NGOs noted a more positive, conciliatory tone by the Santos government, some also said that the government arbitrarily arrested and detained human rights activists, particularly in high-conflict areas. NGOs claimed that the Prosecutor General's Office had pursued numerous unfounded judicial cases against legitimate human rights defenders with the purpose of discrediting their work. The government charged that some human rights activists engaged in activities that supported terrorism (see section 1.e.).

President Santos, Vice President Garzon, and other senior government officials continued to make public statements in support of human rights defenders during the year. The Ministry of Interior's 145 billion peso ($75 million) protection program provided protection to a total of 8,880 people, including 1,531 human rights activists, as of July (see section 2.a.).

According to the NGO We Are Defenders (Somos Defensores), 29 human rights activists were killed and 93 threatened during the first half of the year. CODHES and We Are Defenders reported a rising trend of attacks against women leaders of the IDP population and activists seeking land restitution.

Several NGOs reported receiving threats in the form of e-mails, mail, telephone calls, obituaries, objects, or directly from unknown individuals. According to the OHCHR, reports of threats continued to increase during the year. The government condemned the threats and called on the Prosecutor General's Office to investigate them. The Prosecutor General's Office investigated 100 cases of threats against human rights defenders during the year. None of the investigations had resulted in a prosecution at year's end.

The government continued to meet with representatives of the OHCHR, local NGOs, and the diplomatic corps to discuss steps it had taken to comply with OHCHR recommendations to improve human rights practices. While acknowledging progress on several recommendations, the OHCHR and local NGOs reported that the government had not fully implemented all of them by year's end.

Government Human Rights Bodies.—The ombudsman is independent, submits an annual report to the House of Representatives, and has responsibility for providing for the promotion and exercise of human rights. The Ombudsman's Office was underfunded, which limited its ability to monitor violations effectively. Members of the ombudsman's regional offices were under constant threat from illegal armed groups via pamphlets, e-mails, and violent actions.

On November 2, President Santos signed a decree creating the National System for Human Rights and International Humanitarian Law. The system is coordinated by a commission of 11 senior government officials, led by the vice president, and is charged with designing, implementing, and evaluating the government's human rights and international humanitarian law policies. The Presidential Program for Human Rights, which operates under the authority of the vice president, coordinates national human rights policy and actions taken by government entities to promote or protect human rights. The program published the Human Rights Observer magazine, which provided analyses of major human rights issues and developments.

Both the Senate and House of Representatives have human rights committees, which serve solely as forums for discussion of human rights issues.

Implementation of the 2005 JPL continued. The Justice and Peace Unit in the Prosecutor General's Office is responsible for the required investigation and prosecution of demobilized persons, and an interagency commission on Justice and Peace coordinates its implementation. During the year 4,643 persons were presented as eligible for the JPL; 4,140 of these were former paramilitary members, including at least 29 commanders, and 503 were former guerrilla members. Testimonies of more than 2,433 individuals were taken, in which the Prosecutor General's Office identified 52,263 crimes, including more than 46,000 homicides. There were 66,773 victims involved in the 52,263 identified crimes. At year's end 362,369 victims had registered with the Prosecutor General's Office, including 38,604 who registered by October 31. Between January and October, the government exhumed 428 graves involving the remains of 573 persons. During the year the government identified 304 remains, 250 of which were returned to family members by the end of October. Testimony from the voluntary confessions also triggered investigations of politicians, military members, major agricultural producers, and government officials' ties to paramilitary forces.

The application of the law continued to face many challenges, including thousands of former paramilitary members who remained in legal limbo, and there was little land or money confiscated from paramilitary leaders. There were 10 convictions of paramilitary leaders since the law's implementation in 2005, seven in 2011.

Since 2009 the government's Program of Administrative Reparations paid approximately 700 billion pesos ($362 million) in reparations to victims of illegal armed groups. Through May the Victim Protection Program under the Ministry of Interior and Justice protected 48 victims involved in the Justice and Peace process. As part of institutional reforms, the government allowed the mandate of the National Commission for Reparation and Reconciliation, including the Historical Memory Group, to expire. As provided by a 2010 law, the government was working to establish a limited version of a truth commission. The Land and Victims' Law provides for the establishment and institutionalization of formal archives and a Center of Historic Memory for collecting oral testimony and material documentation concerning violations of international human rights norms and law.

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

Although the law specifically prohibits discrimination based on race, gender, disability, language, or social status, in practice many of these prohibitions were not enforced.

Women.—Rape and Domestic Violence.—Although prohibited by law, rape, including spousal rape, remained a serious problem. The law provides for sentences ranging from eight to 30 years' imprisonment for violent sexual assault. For acts of spousal sexual violence, the law mandates prison sentences of six months to two years and denies probation or bail to offenders who disobey restraining orders. There was no comprehensive or consolidated database on the incidence of sexual violence. However, in January the "Leave My Body Out of War" campaign published the results of an Oxfam-funded 2010 survey that sought to analyze the rate and prevalence of sexual violence against women in the country between 2001 and 2009. The survey was based on interviews conducted with 2,693 women in 15 of the country's 407 municipalities identified as "conflict-affected." The study extrapolated the survey results to estimate that 489,687 women had been victims of sexual violence. Almost 20 percent of these were instances of rape; almost half of these women were raped at least twice (33 percent on three or more occasions). Sexual harassment, regulation of social life, forced domestic labor, forced prostitution, forced abortion, forced pregnancy, and forced sterilization were all included under the definition of sexual violence. The study estimated that 30 percent of the violence was perpetrated by armed actors. However, a March study published by NGO Point of View Corporation and Benetech cautioned against citing the results of the study, noting the survey sample was drawn from only 15 municipalities and did not include nonconflict-affected zones.

Prosecution rates for rape were low, and the Prosecutor General's Office attempted to improve this. In light of low prosecution rates, in 2008 the Constitutional Court directed the Prosecutor General's Office to advance investigations into 183 alleged cases of sexual violence. As of September 2010 only four cases had resulted in a conviction, and 140 remained in the investigative stage. Journalist Jineth Bedoya, who was abducted and raped in 2000 when she was entering a prison to conduct an interview, lobbied the Inter-American Court of Human Rights to take up her case. The Prosecutor General's Office increased efforts to investigate the crime; at year's end the investigation continued. The National Institute for Legal Medicine and Forensic Science identified 18,044 cases of suspected sex crimes through the end of November, including rape, but indicated that many cases went

unreported. New illegal group members, former paramilitary members, and guerrillas, raped, sexually abused, and sometimes sexually mutilated women and children for fraternizing with the enemy, working as prostitutes, having sexual relations outside of marriage, or violating imposed codes of conduct or restrictions on dress (see section 1.g.).

Although prohibited by law, domestic violence, including spousal abuse, remained a serious problem. Judicial authorities may remove an abuser from the household and require therapy or reeducation. The law provides both fines and prison time if the abuser causes grave harm or the abuse is recurrent; however, provisions for fines were not applied. The National Institute for Legal Medicine and Forensic Science reported more than 38,000 cases of domestic violence against women, but it noted that only a small percentage of cases were brought to its attention for investigation and follow-up and that true numbers were likely significantly higher. The law requires the government to provide victims of domestic violence with immediate protection from further physical or psychological abuse. The ICBF provided safe houses and counseling for victims, but its services could not meet the magnitude of the problem. In addition to fulfilling traditional family counseling functions, ICBF family ombudsmen handled domestic violence cases. The Human Rights Ombudsman's Office conducted regional training workshops to promote the application of domestic violence statutes.

Sexual Harassment.—The law provides measures to discourage and punish harassment at the workplace, such as sexual harassment, verbal abuse or derision, aggression, and discrimination. Nonetheless, sexual harassment remained a pervasive problem. In the Oxfam-funded study, approximately 7 percent of those surveyed experienced sexual harassment, although the incidence was likely significantly higher.

Reproductive Rights.—Couples and individuals have the right to decide the number, spacing, and timing of children and the information and means to do so free from discrimination. Women and men had access to contraception, skilled attendance during childbirth, prenatal care, and obstetric care. Approximately 1 percent of those interviewed in the Oxfam study reported having been forced to have an abortion. Illegal armed groups forced women to have abortions. For example, female combatants who demobilized from the FARC reported that women in the FARC were repeatedly forced to have abortions, with most experiencing between one and seven abortions.

Discrimination.—Although women enjoy the same legal rights as men, serious discrimination against women persisted. Women faced hiring discrimination were affected disproportionately by unemployment and had salaries that generally were not commensurate with their education and experience. Only 43 percent of women participated in the labor force; they were paid on average 40 percent less than men participating in similar or equal work.

The president's adviser for equality of women has primary responsibility for combating discrimination against women, although her office remained seriously underfunded. In October the government hosted the first national strategy conference as part of a campaign to highlight women's rights. The campaign sought to reduce violence against women, especially displaced women, and establish government policies to respond better to women who are victims of violence.

Children.—Birth Registration.—Citizenship is derived by birth within the country's territory. Most births are registered immediately in the hospital following birth. If a birth is not registered within one month, parents can be fined and denied public services.

Child Abuse.—Child abuse was a serious problem. The National Institute for Legal Medicine and Forensic Sciences reported more than 6,000 cases of child abuse through June. The ICBF reported 6,328 cases of sexual abuse against children through August. The institute also estimated that approximately 86 percent of reported sex crimes involved sexual abuse of children, most of whom were under age 14 (which is the minimum age of consent). In November the vice president and the government's senior advisor for equality of women launched a campaign to prevent sexual abuse of children. Numerous government and private sector entities participated in the campaign.

Sexual Exploitation of Children.—By law sexual exploitation of a person under 18 years of age carries a penalty of 14 to 25 years in prison. Encouraging or forcing a minor into prostitution carries a penalty ranging from two to eight years in prison and a fine. The law prohibits pornography using children under 18 years of age and stipulates a penalty of 10 to 20 years in prison and a fine. The minimum age of consensual sex is 14. The penalty for sexual activity with a child under age 14 ranges from two to 10 years in prison. According to the ICBF, through September

there were 466 reports of minors engaging in independent or forced prostitution and 46 of child pornography. The ICBF identified 39 children through September engaged in activities involving child sex tourism and assisted 6,328 children victimized by sexual violence, including sexual exploitation, with psychosocial, medical, and legal support. The law authorizes the government to confiscate profits from hotels and other establishments where minors are sexually exploited.

Child Soldiers.—Guerrillas forcibly recruited and used children as soldiers, including indigenous children (see section 1.g.). According to the U.N. illegal armed groups killed or threatened children with death on suspicion of being informants for the military.

Displaced Children.—According to government registrations, 36 percent of IDPs during the year were children (see section 2.d.).

International Child Abduction.—The country is 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.—The Jewish community had an estimated 5,000 members. There were limited, isolated 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 and mental disabilities in employment, education, access to health care, or the provision of other state services, and the government sought to enforce these prohibitions. No law mandates access to public buildings, information, and telecommunications for persons with disabilities, limiting the power of the government to penalize schools or offices without access, but both national and local governments promoted programs aimed at improving access for the disabled. The Presidential Program for Human Rights is responsible for protecting the rights of persons with disabilities.

*National/Racial/Ethnic Minorities.*According to the 2005 national census, approximately 4.5 million persons, or 10 percent of the country's population, described themselves as of African descent. A November U.N. report estimated that Afro-Colombians composed 15 to 20 percent of the population, while human rights groups and Afro-Colombian organizations estimated the proportion to be 20 to 25 percent. Afro-Colombians are entitled to all constitutional rights and protections, but they faced significant economic and social discrimination. According to the U.N. report, 45.5 percent of the country's population lived below the poverty rate, but in Choco, the department with the highest percentage of Afro-Colombian residents, 70.5 percent of residents lived below the poverty line (41 percent in extreme poverty). Choco continued to experience the lowest per capita level of social investment and ranked last in terms of infrastructure, education, and health. Maternal mortality in Choco was four times higher than the national average. It also continued to experience some of the country's worst political violence, as organized criminal gangs and FARC and ELN guerrillas struggled for control of the department's drug- and weapons-smuggling corridor (see section 1.g.). The U.N. report further explained that illiteracy rates were six times the national average in Narino, another department with a high percentage of Afro-Colombians.

In 2010 the government approved a policy to promote equal opportunity for black, Afro-Colombian, Palenquera, and Raizal populations. (Palenquera populations along some parts of the Caribbean coast, Raizal populations in the San Andres archipelago, and blacks and Afro-Colombians are all Afro-descendents who self-identify slightly differently based on their unique linguistic and cultural heritages.) In November President Santos signed into law an antidiscrimination bill that imposes a penalty of one to three years in prison or a fine of approximately 5.3 million to 8 million pesos ($2,740 to $4,140). It also adds a chapter on discrimination to the penal code that includes not only racism but discrimination based on ethnic origin, religion, nationality, political ideology, sex, and sexual orientation.

Indigenous People.—The constitution and laws give special recognition to the fundamental rights of indigenous people, who compose approximately 3.4 percent of the population, and require that the government consult beforehand with indigenous groups regarding governmental actions that could affect them.

The law accords indigenous groups perpetual rights to their ancestral lands. Traditional indigenous authorities operated 807 reservations, accounting for 30 percent of the country's territory, with officials selected according to indigenous traditions. However, many indigenous communities had no legal title to lands they claimed,

and illegal armed groups often violently contested indigenous land ownership. Through its land restitution and formalization "shock plan," as of July the government had restored 269,800 acres of land to indigenous communities.

The law provides for special criminal and civil jurisdictions within indigenous territories based on traditional community laws. Proceedings in these jurisdictions were subject to manipulation and often rendered punishments that were more lenient than those imposed by regular civilian courts.

Some indigenous groups continued to argue that they were not able to participate adequately in decisions affecting their lands. Indigenous leaders complained of the occasional presence of government security forces on indigenous reservations and asked that the government consult with indigenous authorities prior to taking military action against illegal armed groups operating in or around such areas. In March the Constitutional Court ordered the suspension of a major road project and several mining projects in Choco Department for failure to consult with indigenous groups prior to initiating those projects. As part of the judgment, the court asked Interconexion Electrica SA (ISA), the country's largest electricity distributor, to stop work on a binational power line project intended to interconnect Colombia's transmission lines with Panama's. In response, ISA officials began to develop plans to initiate consultations with indigenous groups in Choco.

In the March decision, the Constitutional Court recognized unconditionally the "indigenous peoples' right to free, prior, and informed consent" during all phases of a project. According to the ruling, consent should be the end goal of any prior consultation process and must be obtained in three specific instances: when a project displaces communities; when it involves storing or disposing of toxic waste in ethnic territories; or when it causes social, cultural, or environmental impacts that put the existence of the community at risk. It also orders related jurisprudence to be translated into the local Embera language and published.

In May the Constitutional Court struck down strict mining regulations passed in 2010 but stated they would remain in effect for two years to give Congress time to approve an alternate bill. In its ruling the court declared the mining code unconstitutional because indigenous communities and Afro-Colombians living in mining areas had not been consulted.

The government stated that for security reasons it could not provide advance notice of most military operations and that it consulted with indigenous leaders when possible before entering land held by the communities. The law permits the presence of government security forces on indigenous lands; however, Ministry of Defense directives instruct security forces to respect the integrity of indigenous communities, particularly during military and police operations.

Despite special legal protections and government assistance programs, indigenous people continued to suffer discrimination and often lived on the margins of society. The indigenous people were the country's poorest population and had the highest age-specific mortality rates. Indigenous women tended to face triple discrimination on the basis of gender, ethnicity, and reduced economic status.

The Presidential Program for Human Rights reported that through September there were 71 homicides of indigenous people, compared with 68 for the same period in 2010. According to ONIC, on November 12, presumed members of the FARC shot and killed Fabio Domico Domico, vice governor of the Embera Katio community in Dabeiba, Antioquia. Domico was in charge of developing plans to safeguard his community. ONIC reported that the FARC, ELN, and organized criminal groups targeted indigenous groups in an effort to seek territory for drug-trafficking activities, among other motives. In July indigenous groups reported that 73 indigenous persons were injured in a FARC attack in Toribio, Cauca, when a bus loaded with explosives was detonated in the town center.

In February the U.N. Permanent Forum on Indigenous Issues recognized government efforts in fully recognizing the rights of indigenous groups but noted that the situation of these groups remained "extremely serious, critical, and profoundly worrisome."

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—There was no official discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. Nevertheless, despite government measures to increase the rights and protection of lesbian, gay, bisexual, and transgender (LGBT) persons, there were reports of abuse and discrimination.

Colombia Diversa, an NGO focused on violence and discrimination due to sexual orientation, reported at least 51 killings as of December 31 due to prejudice regarding sexual orientation or gender identity. The organization reported that on March 17, Gabriela Alejandra Guerrero, a transgender activist in Pasto, Narino, and member of the Southern Transgender Foundation, was killed, allegedly by a group called

the Hitler Brotherhood of Pasto. According to a local rights organization, the local LGBT community had been receiving threats since 2010.

Colombia Diversa reported cases of police abuse against persons due to their sexual orientation, with the majority of complaints coming from transgender individuals. According to LGBT NGOs, these attacks frequently occurred, but victims did not pursue cases for fear of retaliation. NGOs also reported several cases of threats against human rights defenders working on LGBT issues as well as a high level of impunity for crimes against members of the LGBT community. Such organizations partially attributed impunity levels to failure of the Prosecutor General's Office to distinguish and follow crimes against the LGBT community effectively.

A 2010 study by Bogota's Department of Sexual Diversity reported that 98 percent of the LGBT community faced discrimination, particularly in schools and workplaces. The report showed that 53 percent of the community had been physically attacked for their sexual orientation or gender identity, and in 61 percent of cases the attacker was closely related to the victim. Transgender individuals were victimized the most (64 percent of that community), followed by lesbians (57 percent).

Members of the transgender community cited barriers to public services when health-care providers or members of the police refused to accept government-issued identification with transgender individuals' names and photos.

NGOs claimed that discrimination in prisons against persons due to their sexual orientation or gender identity remained a problem. In addition, there were instances where medical services for transgender individuals were denied. On June 15, the Constitutional Court ordered INPEC to create a training program for guards and prisoners on LGBT rights.

On November 2, the Constitutional Court ruled that the Ministry of the Interior, Ombudsman's Office, and Inspector General's Office must collaborate to create a national public policy framework on LGBT rights. The decision came in response to a suit by a transgender individual alleging he was denied entrance to a concert due to his transgender identity. In its decision the court noted that sexual behavior "does not justify unequal treatment."

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law allows some workers to form and join unions, conduct legal strikes, and bargain collectively, and it prohibits antiunion discrimination. The law places some restrictions on forming and joining a union, particularly for workers in indirect contracting situations (although legal ambiguities also allowed some indirectly contracted workers to form unions). Members of the armed forces and police are prohibited from forming or joining unions. The labor code provides for automatic recognition of unions that obtain 25 signatures from potential members and comply with a registration process.

Members of some public sector unions, armed forces, police, and persons performing "essential public services" are not permitted to strike. The prohibition of strikes typically included a wide range of public services not considered "essential" as defined by the International Labor Organization (ILO). However, during the year the government published a summary of doctrine, case law, and jurisprudence that narrowed the definition of essential services for use by labor inspectors and the judiciary. Some members of the labor community criticized this document as continuing to lean toward an overly broad definition of essential services.

Before conducting a strike, unions must follow prescribed legal procedures, including entering into a conversation period with the employer, presenting a list of demands, and gaining majority approval in the union for a strike. By law strikes are limited to periods of contract negotiations or collective bargaining and allows employers to fire trade unionists who participate in strikes or work stoppages determined to be illegal by the courts.

The law prohibits public-sector collective bargaining agreements. Public sector employees can negotiate mutually approved agreements, but by definition these are not collective bargaining agreements. The law permits associated workers' cooperatives (CTAs) as well as collective pacts. Under collective pacts employers may negotiate accords on pay and labor conditions with groups of workers in workplaces where no union is present or where a union represents less than one-third of employees. The ILO continued to raise concerns regarding collective pacts, noting that they should be possible only in the absence of trade union organizations. Law and regulations prohibit the use of CTAs and collective pacts to undermine the right to organize and bargain collectively, including by extending better conditions to nonunion workers in such pacts. CTAs must register with the government and provide

compensation at least equivalent to the minimum wage and the same health and retirement benefits normally offered to directly hired employees.

During the year the government made legal reforms, including narrowing the scope of legal uses of CTAs and prohibiting the misuse of CTAs or other labor relationships that negatively affect labor rights. Maximum penalties for violation can exceed 5,000 minimum monthly wages, or 2.6 billion pesos ($1.3 million). The government also revised the criminal code to strengthen penalties for employers who engage in antiunion practices by penalizing such conduct with up to five years' imprisonment. Prohibited practices include impeding workers' right to legally strike, meet, or otherwise associate and extending better conditions to members of collective pacts than those in unions.

The government generally enforced applicable laws, but a lack of inspectors trained in the most recent laws, as well as an overburdened judicial system, inhibited speedy and consistent application. The Ministry of Social Protection was charged with enforcing labor laws for most of the year. However, in November the government created a separate Ministry of Labor. At year's end the new ministry continued to build its technical capacity in several areas, including inspection procedures to enforce the new regulations on CTAs and other forms of third-party contracting. The government has the authority to fine labor rights violators but seldom shut down repeat offenders.

During the year the government investigated more than 907 CTAs and pre-CTAs, and it had sanctioned 176 as of August 31. The total amount of the fines levied against CTAs and pre CTAs was approximately 1.62 billion pesos ($838,000). In 2010 the government sanctioned 125 CTAs and imposed fines totaling 514 million pesos ($266,000).

On April 7, the government committed to a Labor Action Plan to protect internationally recognized labor rights, prevent violence against labor leaders, and prosecute the perpetrators of such violence. In addition, on May 26, the government signed a tripartite accord to advance labor rights with the business community, General Labor Confederation (CGT), and Colombian Pensioners' Confederation. The accord reinforced many of the commitments of the plan. It also included a commitment for reparations of unionist victims through the Justice and Peace Law and attention to ILO cases covering labor violence and impunity.

As part of its commitments under the action plan, the government took several steps to increase the effective enforcement of freedom of association and collective bargaining. For instance, by year's end the government was completing the hiring and training of 100 new labor inspectors, half of whom would specifically cover CTA issues in problem sectors. The government also implemented an enforcement plan for inspections of temporary service agencies and assigned 100 additional full-time judicial police investigators to support prosecutors who cover criminal cases involving unionists. The government improved the technical capacity of Ministry of Labor personnel by improving inspection procedures and methodology and developing a field guide for inspectors.

The Ministry of Social Protection (as of November the Ministry of Labor) established a telephone and Internet complaint mechanism to report alleged labor violations. However, labor groups expressed concern that the two systems did not provide an option to track progress on cases.

The Prosecutor General's Office issued a directive requiring the judicial police, the Technical Investigative Body, and prosecutors investigating criminal cases to determine during the initial phase of an investigation whether a victim was an active or retired union member or was actively engaged in union formation and organization. The government also broadened the scope of coverage for its protection program to include labor activists, persons who are engaged in efforts to form a union, and former unionists under threat because of their past activities. By year's end these changes were in place, and several activists had been approved for protection under the program.

As of July the Ministry of Interior and Justice provided protection to 8,880 at-risk individuals, of whom 1,454 were trade union leaders or members (others protected included journalists, human rights advocates, and social leaders). The Ministry of Education managed a separate protection (transfer) program for educators, the majority of whom were unionized. Since 2000 the Prosecutor General's Office obtained 452 convictions of at least 592 individuals for violent acts against trade unionists, including 91 during the year. A special labor subunit set up in 2006 was assigned 1,465 cases to investigate and process, the majority of which remained under investigation or were in the preliminary stages of the prosecutorial process.

During the year the Prosecutor General's Office reported convictions in several high-profile cases. In January four individuals were sentenced to 23-36 years in prison as coauthors of the August 2010 murder of Sintraempaques leader Luis Ger-

man Restrepo Maldonado. In July demobilized AUC member Ricardo Lopez Lora (alias La Marrana or Rober) accepted responsibility for the 1997 kidnapping and disappearance of Ramon Alberio Beltran Gil. Beltran was a member of the agricultural union Sintrainagro, and his killing was ordered by Carlos Castano Gil, who, according to the union, believed Beltran was collaborating with leftist guerrillas.

In practice violence, threats, harassment, and other practices against trade unionists continued to affect the exercise of the right to freedom of association, as violence and discrimination against union members discouraged some workers from joining and engaging in union activities. Labor unions assessed that high unemployment, a large informal economy, antiunion attitudes, and violence against trade union leaders contributed to making organizing difficult, limiting workers' bargaining power across sectors. Unions were generally independent of the government and political parties.

The Presidential Program for Human Rights reported that 20 trade unionists were killed through October, compared with 30 during the same period in 2010, while the National Union School (ENS), a labor rights NGO and think tank, reported that 29 trade unionists were killed during the year, compared with 51 in 2010. ENS and government figures differed because of different definitions of trade union membership and interpretations of homicide motives.

For example, on August 22, in Monteria, Cordoba, unknown individuals on a motorcycle shot and killed University of Cordoba security guard Luis Alfonso Diaz Villa. Diaz Villa was a member and activist in the University of Cordoba employees' union Sintraunicol. The ENS reported that Diaz Villa had been an active member of the union with service on its executive board. Sintraunicol denounced the killing in a public statement, tying it to the union's long history of victimization by illegal armed groups. At year's end the case was under investigation by the special ILO labor violence case unit of the Prosecutor General's Office.

The ENS and other labor groups continued to note that focusing on killings alone masked the true nature and scope of the antiunion violence. Labor groups noted that in some regions nonlethal violations were on the rise. The ENS reported 480 violations for the year; in addition to the 29 reported homicides, there were 342 death threats, 10 nonlethal attacks, three disappearances, 16 arbitrary detentions, 34 cases of forced displacement, 43 cases of harassment, two cases of torture, and one kidnapping.

Teachers continued to make up the largest percentage of union members and were the largest percentage of victims of violence by illegal armed groups. The Presidential Program for Human Rights reported that 12 of the 20 unionists killed as of October were teachers, while ENS reported 14 of 29 unionists killed were teachers. The teachers union Colombian Federation of Educators (FECODE) reported that 21 unionized educators were killed during the year.

On June 8, in Dosquebradas, Risaralda, unknown assailants shot and killed Jorge Eliecer de los Rios Cardenas, a teacher and member of the Risaralda Educators Union. The victim was also an environmentalist and member of a local environmental NGO. Before his death he had publicly criticized a local mining project by a multinational company in the municipality of Quinchia. Two suspects in the case were brought to trial on October 24 and acquitted. An appeal was pending at year's end.

Labor groups recognized that important advances were made by the labor subunit of the Prosecutor General's Office but said more needed to be done to end impunity for perpetrators of violence against trade unionists. They also claimed prosecutors charged with carrying out investigations into historic impunity cases failed to look for patterns among groups of homicide cases, such as evidence of antiunion biases as a motive for violence.

Workers, including some public employees, exercised the right to strike in practice. Unions cited multiple instances in which companies fired employees who formed or sought to form new unions. Employers continued to use temporary contracts, service agencies, and CTAs to limit worker rights and protections and lower costs. Many employers used CTAs to engage in illegal subcontracting, and in some cases private sector employers forced workers to join CTAs they themselves managed. In practice nominal fines assessed by the government did little to dissuade violators, although strengthened laws and penalties established during the year regarding CTAs and other forms of illegal labor intermediation influenced several companies to contract CTA workers directly. Despite these new laws, unions continued to voice reservations about the strength of the law and decree regarding CTAs as well as the government's ability to regulate adequately due to labor inspector shortages.

Employers continued to use collective pacts with workers, sometimes to weaken or replace the benefits of a collective bargaining agreement. For instance, labor

groups noted that when a union presented a collective bargaining proposal, employers offered some workers better conditions and pay in exchange for their leaving the union and joining the pact. This undermined organized labor's ability to bargain collectively. The ILO expressed concern about acts of antiunion discrimination at the enterprise level and in the public sector.

Labor confederations and NGOs reported that some business owners in several sectors turned CTAs into "simplified corporations," union contracts, or temporary service agencies in an attempt to circumvent new legal restrictions on cooperatives. Some labor confederations indentified the most problematic sectors as ports, textiles, and health care. Some companies, including Carrefour, Exito, Fabricato, and some sugar refineries, established formal employment relationships by directly contracting workers who were previously employed through CTAs. However, the majority of companies contracting their workers through CTAs and temporary service agencies did not transform their labor relationships into direct-hire contracts. The ENS and other labor organizations expressed concern that new legislation banning the misuse of some forms of third-party contracting would not be effectively enforced due to a long-standing permissive culture in the labor inspectorate. The labor organizations urged the government to emphasize the details of new legislation in training for new inspectors under the Labor Action Plan.

Approximately 75 percent of the workforce in ports was employed under flexible nonunion contracts. Some sugar and ethanol refineries also utilized CTAs as a means of subcontracting labor to third parties, and some sugarcane cutters, predominantly Afro-Colombian and indigenous men, were required to belong to a CTA to gain employment. However, this phenomenon was changing at year's end, as a number of large sugar refineries offered direct contracts to cane cutters in CTAs. Due to legal ambiguities and lack of enforcement, some indirectly contracted workers formed unions. For instance, sugarcane cutters formed unions to enhance collaboration. Although the law does not clearly define if this is legally permissible, the unions were respected throughout the sugarcane sector.

CTAs and other subcontracting institutions were also common in the palm oil sector. After collective bargaining broke down over salary negotiations at one palm oil plantation in the region of Puerto Wilches, direct and subcontracted workers at five other plantations joined the strike to demand direct employment relationships for palm workers they believed to be performing core and permanent labor functions and thus illegally subcontracted . The sector-wide strike ended when local and national government officials, palm oil company executives, CTA owners, and union members reached an agreement to begin labor inspections to identify the misuse of CTAs and other subcontracting institutions. By year's end the Ministry of Labor was reviewing the results of labor inspections conducted in response to the strike.

Workers participated in multiple strikes in the oil region of Puerto Gaitan, Meta. Community members joined the protests, demanding better infrastructure and benefits. Many of the demonstrations were led by a sector-wide energy workers' union, the Petroleum Industry Workers' Union, which claimed significant increases in membership by subcontracted workers during the year. Another union, which primarily represented directly contracted workers, negotiated a separate accord with one major oil multinational, sparking conflict between the unions. On several occasions protests led to violence, and some unions and NGOs alleged that the government sometimes used excessive force to end the protests. Allegations by industry representatives, members of the labor community, and government representatives on the sources and nature of the violence did not coincide. The government established a series of roundtables to discuss social and labor issues in Puerto Gaitan, and Ministry of Labor officials conducted inspections of CTAs in the region. Union groups and NGOs expressed doubts about the government's commitment to resolving the conflict.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor, but there were some reports that such practices occurred.

Organized criminal gangs and FARC and ELN guerrillas practiced forced conscription, sometimes killing deserters or threatening them and their families. There were some reports that FARC and ELN guerrillas and organized criminal gangs used forced labor, including forced child labor, in coca cultivation in areas outside government control (see section 1.g.). An international organization estimated that 10,000 children participated in illegal armed groups. Forced labor, including organized begging, also remained a serious problem.

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 15, and 18 for hazardous work. Children ages 15 and 16 may work no more than 30 hours per week, and children age 17 may work no more than 40 hours per week. Children under the age of 15 may work in arts, sports, or recreational or cultural activities for a maximum of 14 hours per week. In all of these cases, working children and adolescents must have signed documentation filed by their parents and approved by a labor inspector or other local authority. Hazardous work includes an extensive list of activities within 11 occupational categories and subcategories identified as the "worst forms of child labor," including agriculture, hunting and forestry, fishing, mining and quarrying, manufacturing, construction, transport and storage, health services, and defense. The government, however, approved some agricultural apprenticeship programs for children from 14 to 17 through the National Service Learning Agency. For 14-year-old children, this program is education-only, and children are not permitted to work. Child workers are prohibited from working at night or where there is a risk of bodily harm or exposure to excessive heat, cold, or noise.

The law authorizes inspectors to issue fines of up to 100 times the minimum monthly wage for labor law violations, including child labor violations. A violation deemed to endanger a child's life or threaten moral values may be punished by temporary or permanent closure of the establishment. Nationwide labor inspectors are responsible for enforcing child labor laws. The government provided guidelines to labor inspectors to help ensure children younger than age 15 do not work and adolescents ages 15 to 17 who have work permits are not engaged in dangerous work. In the formal sector (which covered approximately 20 percent of the child labor force), they did so through periodic inspections. However, resources and training remained inadequate for effective enforcement.

Government agencies carried out several activities to eradicate and prevent exploitative child labor. With ILO assistance the government worked to improve cooperation among national, regional, and municipal governments through its national plan to eradicate child labor and protect working youth. It also launched a new monitoring system to register working children. The government also sought to reduce demand for child labor through public awareness and training efforts, often working with international and civil society organizations. For instance, through February the government participated in a project with NGO partners that supported the implementation of the national strategy to eradicate the worst forms of child labor and provided educational services to more than 10,000 children engaged in mining, street vending, commercial sexual exploitation, construction, and agriculture.

A "virtual" training program for labor inspectors in various departments continued to provide inspectors and other officials with details on how to approach situations involving the worst forms of child labor. The program also included a course manual developed and published by the ILO and made available online. The ILO reported that 400 public officials received the training during the year.

As part of its National Strategy for Social Prosperity, the government committed to strengthening poverty reduction through a national social protection program, the United Network. One of the strategy's goals is to prevent children under 15 from working. Within the framework of United Network programming, the ICBF established a partnership with the IOM to combat child labor in five municipalities with high rates of child labor. During the year 648 children and their families benefitted from specialized counseling and assistance designed to prevent child labor

The CNP also carried out awareness efforts to reduce child labor. Through its flagship "Open your Eyes" program, the CNP taught children and their parents about potential dangers and illegal activities for youth, including child labor. The program incorporated training for parents and children as well as activities on an interactive bus for children.

Child labor remained a problem in the informal and illicit sectors. According to a National Administrative Department of Statistics (DANE) study conducted in 2009 and published in 2011, of the 11.4 million children between the ages of five and 17, approximately one million worked. NGOs reported that 37.6 percent of children who worked did not receive payment. According to the DANE study, most child laborers were engaged in agriculture, commerce, retail, and manufacturing. Significant incidences of child labor occurred in the production of clay bricks, coal, emeralds, gold, coca, and pornography. Through August the ICBF reported 1,102 complaints of labor exploitation and 551 child victims of commercial sexual exploitation.

In practice prohibitions against children working in mining and construction were largely ignored. Some educational institutions modify schedules during harvest seasons so that children may help on the family farm. Children worked in artisanal mining of coal, clay, emeralds, and gold under dangerous conditions and in many

instances with the approval or insistence of their parents. The ICBF identified and assisted approximately 1,900 children working in illegal mining operations during the year. Most children were found working in the departments of Bolivar, Cesar, Narino, and Boyaca. Estimates of the total number of children who worked in illegal mining operations varied from 10,000 to 200,000.

There were instances of forced child labor in mines, quarries, and private homes. According to government officials and international organizations, children also worked, sometimes forcibly, in the illegal drug trade and other illicit activities. Several thousand children were forced to serve as combatants, prostitutes, or coca pickers for the FARC, ELN, and organized criminal gangs, which included some former members of paramilitary groups (see section 1.g.).

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 approximately 535,600 pesos ($277), a 4 percent increase from 2010. In a study on poverty released in 2010, DANE estimated the poverty income level at 281,384 pesos ($146) monthly. In December, for the first time since 2006, the tripartite commission of employers, workers, and government representatives charged with negotiating the minimum wage came to an agreement on the 2012 wage, which was to increase by 5.8 percent to 566,700 pesos ($293).

The labor code provides for a regular workweek of 48 hours and a minimum rest period of eight hours within the week. The law provides for paid annual civil and religious holidays for all workers. Employees who work at least one full year are entitled to at least 15 days of paid vacation. The code stipulates that workers are entitled to receive premium compensation for additional hours worked over the regular workweek of 48 hours and for work performed on Sundays. Compulsory overtime is permitted only in exceptional cases where the work is considered essential for the company's functioning.

The government remained unable to enforce the minimum wage in the informal sector, which, according to the Office of the Inspector General, constituted approximately 60 percent of the workforce. The Ministry of Social Protection enforced labor law, including occupational safety and health regulations, in the formal sector through periodic inspections by labor inspectors. There were 524 labor inspector positions including the additional 100 labor inspectors hired under the Labor Action Plan. At year's end the government employed more than 470 labor inspectors; some positions were empty as a result of attrition and because of the difficulty of identifying candidates to work in certain regions.

The law provides protection for workers' occupational safety and health in the formal sector. Informal sector workers, including many mining and agricultural workers, were not protected by these laws. The law provides workers with the right to leave a hazardous work situation without jeopardizing continued employment. A scarcity of government inspectors, poor public safety awareness, and inadequate attention by unions resulted in a high level of industrial accidents and unhealthy working conditions in the formal and informal sectors. A labor NGO reported an increase in health and safety problems in illegal mining. Nonunion workers, particularly those in the agricultural and port sectors, reportedly worked under hazardous conditions because they feared losing their jobs in third-party contracting mechanisms or informal arrangements if they criticized abuses.

Security forces and other officials closed more than 325 illegal mines and detained more than 1,200 persons as part of a comprehensive interagency initiative to combat illegal mining. Security forces reported that illegal armed groups including the FARC, ELN, and organized criminal groups engaged in illegal mining of gold, coal, coltan, nickel, copper, and other minerals in at least 17 of the country's 32 departments. Illegal mines were especially common in Antioquia, Cordoba, Choco, and Tolima. According to government studies, the FARC could be receiving approximately 1.6 billion pesos ($828 million) per year from these activities.

According to Ingeominas, the government geological and mining oversight institute, there were 127 deaths due to mining accidents during the year, compared with 173 in 2010. Reports to the government of mining accidents increased 16 percent, but Ingeominas attributed the rise to increased reporting due to improvements in awareness of mine safety issues.

COSTA RICA

EXECUTIVE SUMMARY

Costa Rica is a constitutional, multiparty republic governed by a president and a unicameral legislative assembly that are directly elected in multiparty elections every four years. In 2010 voters chose Laura Chinchilla Miranda of the National Liberation Party (PLN), the country's first female president in elections that were generally considered free and fair. Security forces reported to civilian authorities.

Principal human rights abuses reported during the year included poor prison conditions, including overcrowding and cases of prisoner abuse, delays in the judicial process, and commercial sexual exploitation of minors.

Other human rights problems reported were domestic violence against women and children, trafficking in persons, discrimination based on sexual orientation, and child labor.

The government took steps to prosecute officials 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 was one report that the government or its agents committed arbitrary or unlawful killings. On May 22, prison authorities found an inmate dead in his maximum-security prison cell only days after an attempted prison escape. The autopsy report showed that internal injuries from beatings were the cause of death. On June 15, the Ministry of Justice suspended 10 prison guards on the grounds of possible links to the death. On August 17, judicial authorities detained 10 prison guards for allegedly being involved in the beatings and killing. On August 19, a judge decided to hold five of the guards in pretrial detention for three months and ordered another guard to comply with other restrictive measures. On November 17, a criminal court extended their detention until February 2012, while the judicial investigation continued.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the constitution prohibits such practices and the government generally respected this prohibition, there were reports that some government officials employed them. The government investigated, prosecuted, and punished agents responsible for confirmed cases of abuse. Two days before an inmate died in a maximum-security prison (see section 1.a.), he filed a complaint with the Constitutional Chamber of the Supreme Court asking for protection against abuse. On May 20, the prisoner reported that guards beat him and other inmates after an attempted jailbreak on May 11. The court resolution was pending at the time of the prisoner's death on May 22. Prisoners involved in the failed escape attempt said that they were subjected to physical and psychological abuse at the hands of guards following the incident. The death occurred while authorities were investigating the alleged collaboration of prison guards with inmates who tried to escape.

From January to June, the Ombudsman's Office recorded 80 complaints of police abuse, arbitrary detention, torture, and other inhuman or degrading treatment. At the end of June, 35 of these complaints remained under investigation, and the others were either resolved or dismissed.

Prison and Detention Center Conditions.—Overcrowding, poor sanitation, difficulties obtaining medical care, and violence among prisoners remained serious problems in some prison facilities. Some prisons had inadequate space available for resting while other prisoners had to sleep on deteriorated mattresses on the floor. Limited access to health services was a major complaint from prisoners. Illegal narcotics readily were available in the prisons, and drug abuse was common. Security and administrative staffing was insufficient to care for the increasing prison population.

Potable water was available in prison facilities. Both the National Mechanism of Prevention of Torture and the Ombudsman's Office reported that between August and September prison authorities installed water purifiers at La Reforma Prison.

Prison overcrowding continued to increase. The prison population exceeded designed capacity by 27 percent, compared with 22 percent in 2010. On June 30, the Justice Ministry's Social Adaptation Division reported a total population of 23,046 under its supervision, including 11,534 prisoners in closed-regime centers, 1,122 persons required to spend nights and weekends in jail, 9,835 in supervised work programs requiring no jail time, and 555 juveniles. The Social Adaptation Division also reported that there were 765 women prisoners at year's end. Prisoners generally were separated by age, gender, and level of security (minimum, medium, and maximum). The Ombudsman's Office confirmed that prison conditions were the same for women and men.

The San Sebastian, San Carlos, Cartago, Liberia, Perez Zeledon, Puntarenas, La Reforma, Gerardo Rodriguez, San Rafael, and Buen Pastor prisons remained overcrowded as of June 30, with the population in pretrial detention experiencing the most overcrowding. In San Sebastian, where most prisoners in pretrial detention were held, 998 prisoners lived in unsanitary conditions in a facility with a designed or planned capacity of 632. To mitigate these conditions, authorities sent some pretrial detainees to long-term detention facilities throughout the country and held them with convicted prisoners.

Prisoners had reasonable access to visitors and could practice their religions. Authorities permitted prisoners and detainees to submit complaints to authorities without censorship and request investigation of credible allegations of inhumane conditions. In the event such complaints were not processed, prisoners could submit them to the Ombudsman's Office. The Ombudsman's Office investigated all complaints and referred serious cases of abuse to the public prosecutor. The Ombudsman's Office, through the National Prevention Mechanism against Torture, periodically inspected all detention centers.

The government permitted independent monitoring of prison conditions by international and local human rights observers, including representatives from the Ombudsman's Office. Human rights observers could speak to prisoners and prison employees in confidence and without the presence of prison staff or other third parties.

The Ministry of Justice was constructing new units in the San Carlos, Puntarenas, Liberia, and Perez Zeledon prisons to increase capacity by 1,014 inmates and was implementing the Penitentiary Information System (SIAP), a tracking database with up-to-date records of prisoners. In 2010 the ministry made improvements to the supervised release program by establishing guidelines for sentencing of misdemeanors.

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

Role of the Police and Security Apparatus.—The country has no military. Civilian authorities maintained effective control over the 13 agencies that have law enforcement components, including the judicial branch's Judicial Investigative Organization. The Ministry of Public Security is responsible for the uniformed police force, drug control police, air wing, and coast guard. The Ministry of Public Works and Transportation supervised the traffic police, and the Ministry of Justice managed the penitentiary police. The government has mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces.

Arrest Procedures and Treatment While in Detention.—The law requires issuance of judicial warrants before making arrests, except where probable cause is evident to the arresting officer. The law entitles a detainee to a judicial determination of the legality of detention during arraignment before a judge within 24 hours of arrest. The law provides for the right to post bail and prompt access to an attorney and family members. Authorities generally observed these rights in practice. Indigent persons have access to a public attorney at government expense. Those with sufficient personal funds also are able to use the services of a public defender. With judicial authorization authorities may hold suspects incommunicado for 48 hours after arrest or, under special circumstances, for up to 10 days. Special circumstances include cases in which pretrial detention was previously ordered and there is reason to believe that suspects may reach an agreement with accomplices or may obstruct the investigation in some way. Suspects are allowed access to attorneys immediately before submitting declarations. Authorities promptly inform the suspects of any offenses under investigation.

Pretrial Detention.—A criminal court may hold suspects in pretrial detention for up to one year, and the Court of Appeals may extend this period to two years in especially complex cases. Every three months the law requires court review of cases of suspects in pretrial detention to determine the appropriateness of continued detention. By law, if a judge declares a case is related to organized crime, special procedural rules apply that establish the maximum period of pretrial detention may not exceed 24 months (although the Court of Appeals may grant one extension not to exceed an additional 12 months); the statute of limitations is 10 years from the date of the last crime. The Ombudsman's Office reported that authorities used pretrial detention often and not as an exceptional measure. According to the Ministry of Justice, as of June 30, there were 2,945 persons in pretrial detention, constituting approximately 13 percent of the prison population. In some cases delays were attributed to pending criminal investigations; in other cases the delays were due to court backlogs. According to the Statistics Office of the judicial branch, from April 1 to June 30 there were 1,221 prisoners pretrial detainees—56 percent had been impris-

oned for three months or less, 36 percent from three to six months, and 8 percent from nine months to two years. As of June 30, there were 529 convicted prisoners in detention awaiting sentencing. In these cases delays were most frequently attributed to a pending appeal process or a verdict subject to and awaiting confirmation.

Amnesty.—On August 17, the president pardoned one female inmate.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice. The legal system faced many challenges, including significant delays in the adjudication of civil disputes and a growing workload. In 2010 approximately 235,000 criminal complaints were filed with the judicial branch, of which 4 percent (9,835 cases) went to trial with a conviction rate of 61 percent. Many cases filed did not have sufficient evidence to go to trial.

Additionally, there were allegations that judges' decisions were influenced by intimidation or that they accepted payment for decisions that favored the accused. The Supreme Court investigated and found no cases of corruption but some procedural errors. The judicial inspection tribunal investigated a judge who placed foreigners awaiting trial on charges of drug trafficking under house arrest instead of holding them at the maximum-security prison. In July the inspection tribunal found a serious error in the judge's decision and referred the case to the Supreme Court to determine possible sanctions. On November 14, the Supreme Court decided to suspend the judge from the practice of law for one month.

Trial Procedures.—The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right.

All trials, except those that include juvenile defendants, are public. There are no jury trials. A trial is presided over by a single judge or by a three-judge panel, depending on the potential penalties arising from the charges. Trials that involve victims or witnesses who are minors are closed during the portion of the trial when the minor is called to testify. Defendants have the right to be present during the trial and consult with an attorney in a timely manner. Victims can request special arrangements in the courtroom to avoid unwanted contact with defendants. Accused persons can select attorneys to represent them, and the law provides for access to counsel at state expense for indigent persons. The law provides detainees and attorneys access to government-held evidence, and during the trial defendants can question and present witnesses on their own behalf. Defendants enjoy a presumption of innocence and, if convicted, have the right to appeal. The law extends these rights to citizens and noncitizens alike. Fast track courts, which prosecute cases when suspects are arrested on the spot for alleged transgressions, provide the same protections and rights as other courts.

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

Regional Human Rights Court Decisions.—After a one-year extension to lift the ban on invitro fertilization, in August the Inter-American Commission on Human Rights determined that the country failed to comply with its recommendations and referred a case involving the country to the Inter-American Court of Human Rights for trial and possible sanctions. In the report on the merits, the commission considered that the ban was an "arbitrary interference in the right to private and family life and the right to found a family."

Civil Judicial Procedures and Remedies.—An independent and impartial judiciary presides over lawsuits in civil matters, including human rights violations. Administrative and judicial remedies for alleged wrongs are available to the public.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the government generally respected these prohibitions in practice (see section 1.e., Regional Human Rights Court Decisions).

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.

Freedom of the Press.—Journalists and media company owners continued to criticize legislation that imposes criminal penalties, including lengthy jail sentences instead of fines, for common press infractions and argued that such legislation promoted self-censorship.

Censorship or Content Restrictions.—On June 27, the advertising control office ordered a Catholic radio station to suspend an advertisement that used the voice of a child to warn about alleged dangers of invitro fertilization.

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 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. The 2010 immigration law created a separate office within the General Directorate of Immigration to deal specifically with refugee problems. The law also created a commission, which is responsible for the granting of refugee status, and an immigration review tribunal for the appeals process. The commission began its work in 2010, but the tribunal did not meet until May 16.

According to a local nongovernmental organization acting as an implementing agency of the UNHCR, approximately 56 extraregional asylum seekers arrived during the year. Between 15 and 20 decided to remain in the country.

According to the UNHCR, as of September 30, there were 725 requests for asylum including 54 requests from extraregional persons. From January to September, 181 asylum seekers were recognized. Many asylum seekers did not appear at the Immigration Directorate to continue their status application process. The government and UNHCR reported that most of these individuals simply used the asylum request process as a means of obtaining documentation that enabled them to transit the country on their journey toward the United States.

Temporary Protection.—Due to low recognition rates (approximately 25 percent), the UNHCR had to consider an increasing number of rejected asylum seekers as "persons of concern" in need of international protection. UNHCR officials estimated that there were approximately 400 to 500 persons of concern annually, whose cases it reviewed to determine whether they needed international protection.

Stateless Persons.—There were occasional problems of statelessness in the border areas with Panama and Nicaragua. Members of the Ngobe-Bugle indigenous group from Panama came to work on Costa Rican plantations, and sometimes their children were born on the plantations. In these cases the children were not registered as Costa Rican citizens at birth because the families did not think it necessary. However, when the families returned to Panama, the children were not registered there either. A similar problem occurred with Nicaraguan families who migrated to work on coffee plantations. The government attempted to advise the migrant population to register at birth all children born in the country (see section 6). As of December 15, immigration authorities reported no new cases of stateless persons during the year.

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

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage. The independent Supreme Electoral Tribunal is responsible for the integrity of the elections, and the authorities and citizens respected election results.

Elections and Political Participation.—Recent Elections.—In national elections held in February 2010, Laura Chinchilla Miranda of the PLN won the presidency and became the country's first female president in elections that generally were con-

sidered free and fair. The Organization of American States team that monitored the election praised the peaceful and democratic way in which the process unfolded.

Participation of Women and Minorities.—Women were represented with a degree of visibility in government; indigenous people and people of African descent, representing approximately 4 percent of the population (2000 census), were not. The electoral code requires that a minimum of 50 percent of candidates for elective office be female and that women's names be placed alternately with men on the ballots by party slate. There were seven women among the 22 cabinet ministers. There were 22 women in the 57-seat Legislative Assembly, including the vice president of the assembly and nine legislative committee chairwomen. The deputy chief justice of the Supreme Court, president of the High Court of Civil Appeals, and president of the Constitutional Chamber were women. Indigenous persons did not play a significant role in politics or government. There were no indigenous or black members in the Legislative Assembly or the cabinet. A black person headed one government agency.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws, although there were reports of government corruption during the year.

On April 27, a criminal court sentenced former president Miguel Angel Rodriguez to five years in prison as the instigator of aggravated corruption and barred him from public office for 12 years. On August 10, a trial court sentenced a former chief executive officer of an autonomous institution to 15 months in prison for using an official helicopter for personal purposes and barred him from public office for three years.

On November 15, the Supreme Court decided to open a judicial investigation of a substitute justice who was the main suspect accused of leaking information about a trial. The substitute justice renounced his position after the press revealed the possible leak of information.

The Prosecutor's Office investigated credible reports of corruption in at least 10 municipal governments. The Ministry of Public Security suspended more than 1,000 uniformed police officers in 15 months (the force has approximately 12,000 officers). Most of the suspensions occurred while the officers were being investigated for misuse of resources, abuse of authority, and domestic violence. Uniformed police officers were arrested and given pretrial detention for involvement in drug trafficking or other organized criminal activity in several high-profile cases. Despite the measures taken to investigate and address corruption, there was a widespread public perception that corruption remained a problem in the uniformed police force.

Public officials are subject to financial disclosure laws that require senior officials to submit sworn declarations of income, assets, and liabilities. The public ethics prosecutor, comptroller general, attorney general, and ombudsman are responsible for combating government corruption.

The law provides for public access to government information, and the government generally respected this right to access for citizens and noncitizens, including foreign media. Government institutions published reports that detailed the year's activities. The Ombudsman's Office operated a Web page dedicated to enhancing transparency by improving citizens' access to public information.

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

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

U.N. and Other International Bodies.—The government cooperated with visits by representatives of the U.N. and other international organizations in connection with the investigation of abuses and monitoring of human rights problems. In April the U.N. special rapporteur on the rights of indigenous peoples visited the country to discuss the situation of indigenous peoples.

Government Human Rights Bodies.—The Ombudsman's Office reviews government action or inaction that affects citizens' rights and interests. The ombudsman is accountable to the Legislative Assembly, which appoints him or her to a four-year term and funds office operations. The ombudsman participates in the drafting and approval of legislation, promotes good administration and transparency, and reports annually to the Legislative Assembly with nonbinding recommendations. The position carries strong moral and symbolic weight. A special committee of the Legislative Assembly studies and reports on problems relating to the violation of human

rights, and it also reviews bills relating to human rights and international humanitarian law.

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

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions effectively.

Women.—Rape and Domestic Violence.—The law criminalizes rape and provides penalties from 10 to 18 years in prison for rape. The length of the sentence depends on the victim's age and other factors, such as the assailant's use of violence or position of influence over the victim. The judiciary effectively enforced the rape law and provided due process for both victim and defendant. However, rape was underreported due to fear of retribution, further violence, and social stigma. According to the National Institute for Women (INAMU), the rape law applies to spousal rape, although in practice spousal rape cases were much more difficult to prove. Collection of physical evidence in all rape cases presented a challenge. There was only one location in the country that had rape kits to collect physical evidence to be used in prosecutions. The distance women needed to travel to utilize this resource was prohibitive for some. According to the judicial branch's Statistics Office, there were 1,744 reported rape cases in 2010; ultimately, courts tried 329 cases of rape, 21 cases of attempted rape, and 49 cases of aggravated rape in 2010, and convicted and sentenced 172, 12, and 31 defendants, respectively.

The government continued to identify domestic violence against women and children as a serious and growing societal problem. The law prohibits domestic violence and provides measures for the protection of domestic violence victims. Criminal penalties range from 10 to 100 days in prison for aggravated threats and up to 35 years in prison for aggravated homicide, including a sentence of 20 to 35 years for persons who kill their partners. If a domestic violence offender has no violent criminal record and the sentence received is less than three years' imprisonment, the law also provides for alternative sanctions, such as weekend detentions and assistance, including referrals for social services and rehabilitation.

INAMU assists women and their children who are victims of domestic violence in its regional office located in San Jose and in three other specialized centers and temporary shelters. INAMU provided protection to 150 women between January and June but reported that, as of May 15, nine women and girls had died from domestic violence. This represented an increase from seven deaths reported from January to May 2010. INAMU maintained a domestic abuse hotline connected to the 911 emergency system and had provided counseling to 3,406 women as of June. In 2010, according to the judicial branch's Statistics Office, authorities opened 12,510 cases of domestic violence throughout the country. There were 393 cases tried and 196 persons sentenced for crimes of violence against women.

The public prosecutor, police, and ombudsman have offices dedicated to domestic violence problems. During the year INAMU held 12 training workshops for officials from institutions that are part of the National System of Attention and Prevention of Violence against Women. INAMU, together with the presidency, joined a U.N. media campaign to end violence against women. In November INAMU launched a separate media campaign to educate civil society about the equal rights of women.

Sexual Harassment.—The law prohibits sexual harassment in the workplace and educational institutions, and the Ministry of Labor and Social Security generally enforced this prohibition. The law imposes penalties ranging from a letter of reprimand to dismissal, with more serious incidents subject to criminal prosecution.

Reproductive Rights.—Individuals have the right to decide freely and responsibly the number, spacing, and timing of children, have information and access safe methods of contraception from public hospitals and medical attention centers, and receive medical care during pregnancy and childbirth. In 2010 approximately 91 percent of women in rural areas received skilled medical attention; in general, according to the U.N. Population Fund, 99 percent of births were attended by skilled health personnel.

The public health-care system plays a major role in how women access contraception, including sterilization. Women's lack of access to invitro fertilization remained a contested subject (see section 1.e.). In public as well as private health care, the right to obtain and use contraceptives extends to all members of the population. Patients who pay into the public health-care system receive contraceptives at no additional fee, and 72 percent of women ages 15 to 49 used a modern method of contraception.

Discrimination.—Women enjoyed the same legal status and rights as men under the law. The law prohibits discrimination against women and obligates the govern-

ment to promote political, economic, social, and cultural equality. The government maintained offices for gender problems in most ministries and parastatal organizations. The Labor Ministry is responsible for investigating allegations of gender discrimination. INAMU implemented programs that promoted gender equality and publicized the rights of women. In 2010 the National Institute of Statistics and Census (INEC) reported that women represented 43.5 percent of the labor force. The law requires that women and men receive equal pay for equal work; in 2010 INEC estimated that earnings for women were 91.3 percent of earned income for men.

Children.—Birth Registration.—Citizenship is obtained from birth within the country's territory or from either of one's parents. There were occasional problems encountered in the registration at birth of children born of migrant parents (see section 2.d.).

Child Abuse.—Abuse of children was a growing problem. In 2010 the judicial branch's Statistics Office reported 607 cases of sexual abuse of minors and four cases of attempted abuse, with 322 and two perpetrators convicted, respectively. In addition, there were 23 cases involving sex with minors, 12 cases of sex with minors with payment involved, and six cases of sexual corruption of minors. From January to November, the autonomous National Institute for Children (PANI) assisted 30,640 children and adolescents, including 2,922 cases of physical abuse, 595 cases of intrafamilial sexual abuse, and 406 cases of extrafamilial sexual abuse. Traditional attitudes and the inclination to treat sexual and psychological abuse as misdemeanors occasionally hampered legal proceedings against those who committed crimes against children. In May the National Children's Hospital launched a campaign to draw attention to the increasing number of child abuse cases reported in the country.

Sexual Exploitation of Children.—The minimum age of consensual sex is 18 years. The law criminalizes the commercial sexual exploitation of children and provides sentences of up to 18 years in prison. The law provides for sentences of two to 10 years in prison for statutory rape and three to eight years in prison for child pornography. Sentences are lengthier in aggravated circumstances; for example, rape involving physical violence or a victim under age 13 is punishable by 10 to 16 years' imprisonment. The government, security officials, and child advocacy organizations acknowledged that commercial sexual exploitation of children remained a serious problem. From January to November, PANI reported 67 cases of commercial sexual exploitation of minors. The government also identified child sex tourism as a serious problem.

International Child Abductions.—The country is 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 Jewish Zionist Center estimated there were 3,000 Jews in the country. There was a report of anti-Semitic graffiti at a bridge intersection on the main highway between San Jose and Puntarenas.

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, sensory, intellectual, and mental disabilities in employment, education, health-care access, or other state services. There were no reports of discriminatory practices in education or in the provision of other state services. The Ombudsman's Office reported that despite institutional efforts to improve the situation, there were isolated instances where a lack of interagency coordination prevented the implementation of comprehensive strategies to protect the fundamental rights of persons with disabilities. The Ombudsman's Office reported problems in access to employment for persons with disabilities.

Although the law mandates access to buildings for persons with disabilities, the government did not enforce this provision in practice, and many buildings remained inaccessible to persons with disabilities. During 2010 the Ombudsman's Office received reports of lack of access to public transportation, including noncompliance with accessibility requirements or malfunctioning of hydraulic wheelchair lifts for public transportation vehicles.

A political party, Accessibility without Exclusion, represented the interests of persons with disabilities and held four seats in the Legislative Assembly.

*National/Racial/Ethnic Minorities.*The greatest concentration of citizens of African descent (74 percent per the 2000 census) was in the Atlantic province of Limon, one of the least developed areas of the country. In 2010 INEC reported that 24 percent of inhabitants in the Atlantic region lived in poverty. The Limon region had

one of the highest rates of unemployment (8 percent in 2010) and crime (23 percent of the country's homicides from January to May). In February the Security Ministry declared the province of Limon a priority in its efforts to combat drug trafficking and organized crime. The government tried to implement the Port-City of Limon Project, a development program financed by the World Bank and the government; however, there were numerous public complaints that the project had not produced results. During the year authorities launched initial procurement processes; five of 12 institutions involved in the project began the process of contracting services and implementing public works. The scheduled date of completion was June 2014.

There were sporadic reports of discrimination, including labor discrimination, usually directed against Nicaraguans. The Immigration Office launched an awareness campaign highlighting the positive contributions of migrants living in the country.

Indigenous People.—During 2010 the Ombudsman's Office received complaints related to deficient road infrastructure and lack of bridges in reserve lands, lack of access to public services and public transportation, problems with use and possession of land, and difficulties imparting indigenous education. The Ombudsman's Office reported that the government excluded indigenous persons from decision-making processes regarding education, infrastructure, housing, and public services. The indigenous communities of Terraba, Curre, and Boruca were concerned about the sociocultural and environmental impact in their reserves of the development of the Diquis hydroelectric dam project. The Ombudsman's Office continued monitoring the project and its impact on the indigenous community.

Government institutions—including the Ministries of Foreign Affairs, Labor, and Education; Social Security Agency; Immigration Office; and Civil Registry—coordinated actions during the year to assist the Ngobe-Bugle population migrating to rural areas to work in plantations during the coffee harvest season. The government continued efforts to implement objectives emanating from meetings with Panamanian counterparts, working on issues such as access to health care and education, mutual recognition of individual identification documents, and raising awareness about employment and labor law.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—There were cases of discrimination against persons based on sexual orientation, ranging from employment to access to health care. For example, in June an LGBT activist announced that he suffered discrimination based on his sexual orientation at his new job at a public institution. In July the Constitutional Chamber ruled against the owner of a bingo hall for discriminating against a gay couple based on the requirement that employees not engage in discriminatory behavior. The owner was ordered to pay damages to the claimants.

Other Societal Violence or Discrimination.—The law and a presidential decree prohibit discrimination based on HIV/AIDS in health care, employment, and education. Nevertheless, some HIV-positive individuals reported that they were denied private health insurance coverage based on their HIV status. From January to June, the Ombudsman's Office reported receiving four complaints of discrimination against patients 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 unions of their choice without prior authorization, allows worker organizations to conduct their activities without government interference, provides for the right to strike, and protects the right of workers to organize and bargain collectively. However, restrictions on the minimum number of employees (12) needed to form a union may have hampered freedom of association in small enterprises. The law permits foreign workers to join unions but prohibits them from holding positions of authority within the unions. During the year the Constitutional Court overturned an article of the labor code stipulating that at least 60 percent of the workers in an enterprise had to support a strike. The court did not set a minimum number of employees necessary for a strike to be legal, and it noted that the Legislative Assembly should establish a percentage not to exceed 50 percent. The law restricts the right to strike of workers in services designated as essential by the government, but it also includes sectors such as oil refineries and ports not considered essential under international standards. The law prohibits antiunion discrimination and provides for reinstatement of workers fired for union activity.

The law requires employers to initiate the bargaining process with a trade union if more than one-third of the total workforce, including union and nonunion members, requests collective bargaining, but the law also permits direct bargaining agreements with nonunionized workers in both unionized and nonunionized businesses. The law also permits the formation of "solidarity associations," which were

often organized by employers. The law prohibits such associations from representing workers in collective bargaining negotiations or any other way that assumes the functions or inhibits the formation of trade unions. On July 22, an amendment to the constitution granting solidarity associations legal status under the constitution went into effect. Although the amendment did not change the role or requirements for solidarity associations, it strengthened their legal standing, as constitutional changes require votes by two successive legislatures to approve.

Although public sector employees are permitted to bargain collectively, a 2006 Supreme Court decision held that some fringe benefits received by certain public employees were disproportionate and unreasonable. The court repealed sections of collective bargaining agreements between public sector unions and government agencies, thus restricting this right in practice. However, according to the Labor Ministry, there were substantive changes regarding the right of public sector employees to bargain collectively. In 2010 resolutions of the Second Chamber of the Supreme Court (Labor Appeals) emphasized the validity and the importance of collective bargaining in the public sector. In January the Office of the Solicitor General ratified the right of public workers to negotiate collective bargaining agreements.

The government generally enforced these laws in practice. The Ministry of Labor received reports of alleged unfair labor practices and harassment of union activists in private companies and public institutions, and it referred cases to the labor courts. In May the ministry issued the protocol of good labor practices in labor inspection that includes a procedure for reinstatement of workers fired for union activity. Cases of antiunion discrimination often took an extremely long time to obtain a final ruling from the court due to numerous appeals. The International Trade Union Confederation noted that the reinstatement process for workers that were unfairly dismissed averaged three years. There was some progress in increasing the overall efficiency of judicial proceedings, but it was unclear what direct impact this had on labor cases.

Workers exercised the right to form and join unions and to strike without government interference. Unions noted that the government's broad definition of essential services denied many workers the right to strike.

In the private sector, "direct bargaining arrangements" between employers and nonunionized workers occurred more commonly than collective bargaining. In May the International Labor Organization (ILO) raised concerns that the number of direct bargaining arrangements between employers and employees had increased substantially in the past decade, while there had been only a slight increase of collective bargaining agreements. The ILO reiterated its concerns that such agreements disadvantaged workers because they did not result from balanced negotiations of two independent, adequately equipped parties.

Labor unions asserted that in practice, solidarity associations conducted negotiations and employers sometimes required membership in a solidarity association as a condition for employment. Trade union leaders contended that the existence of worker solidarity associations in many enterprises displaced unions and discouraged collective bargaining. According to the ILO, such associations, to the extent that they displaced trade unions, in effect discouraged collective bargaining, affected the independence of workers' organizations from employers' influence, and infringed on the right to organize and bargain collectively.

There continued to be a pattern of employers firing employees who wanted to unionize. There were reports that some employers preferred to use "flexible," or short-term, contracts, making it difficult for workers to organize and collectively bargain. There also were reports that migrant workers in agriculture frequently were hired on short-term contracts through intermediaries. These workers faced antiunion discrimination and challenges in organizing, and they often were more vulnerable to labor exploitation.

The ILO noted that there were no trade unions operating in the country's Export Processing Zones (EPZs) and identified the zones as a hostile environment for organizing. Labor unions asserted that efforts of workers in EPZs to organize were met with illegal employment termination, threats, and intimidation and that EPZ employers maintained blacklists of workers identified as activists.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor and distinguishes between forced labor, which involves slave-like conditions, and labor exploitation, which describes unacceptable but less egregious working conditions. The government failed to enforce the law effectively, and there were reports that such practices occurred. There were isolated reports of men, women, and children subjected to labor exploitation in domestic service and street vending as well as in other sectors.

The judicial investigative police identified six alleged victims of labor exploitation in four cases during the year, but they dismissed three of the cases for lack of evi-

dence. There was only one case under investigation as of December. The government provided training to labor inspectors, local government officers, and social health workers. The government also organized media awareness campaigns on trafficking for civil society; international and nongovernmental organizations sponsored these efforts.

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 child and adolescence code prohibits labor of all children under age 15 without any exceptions; it supersedes the minimum working age of 12 established in the labor code, which had not been amended to reflect this change. Adolescents between the ages of 15 and 18 may work a maximum of six hours daily and 36 hours weekly. The law prohibits night work and overtime for minors. The law prohibits those under age 18 from engaging in hazardous or unhealthy activities.

The government generally enforced laws against child labor effectively in the formal sector. During 2010 the Labor Ministry's Inspections Office detected 94 cases of child labor. In the same year, the Labor Ministry identified eight minors below the age of 15 engaged in hazardous work. The Office for the Eradication of Child Labor (OATIA) assisted 247 working minors and referred them to government institutions to be included in social programs. On March 25, the government published the comprehensive list of hazardous occupations adopted in 2010. The OATIA implemented a project with a local government aimed at improving the life and working conditions of adolescent workers and eradicating child labor. The OATIA, with assistance from ILO's International Program on the Elimination of Child Labor, continued implementation of a road map to eradicate child labor, connected to the national strategic plan to achieve the goals established by the ILO's Decent Work Agenda for the Hemisphere (2006-15).

Child labor was a problem mainly in the informal economy, especially in agricultural, construction, sales, and small food-product manufacturing. The worst forms of child labor occurred in agriculture on small third-party farms in the formal sector and on family farms in the informal sector. The worst forms of child labor also occurred in some service sectors, such as construction, fishing, street vending, and domestic service.

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.—Monthly minimum wages for the private sector ranged from 135,000 colones (approximately $270) for household workers to 498,000 colones ($993) for university graduates. According to a 2011 INEC survey, the poverty line was 92,122 colones ($184) in urban areas and 70,970 colones in rural areas ($141). The constitution sets workday hours, overtime remuneration, days of rest, and annual vacation rights. Workers generally may work a maximum of eight hours a day or 48 hours weekly. Overtime work is paid at a rate of 50 percent above the stipulated wages or salaries. All workers are entitled to one day of rest after six consecutive days of work and annual paid vacations. Although there is no statutory prohibition against compulsory overtime, the labor code stipulates that the workday may not exceed 12 hours.

The Labor Ministry's Inspection Directorate (DNI) was responsible for labor inspection, in collaboration with the social security agency and the Insurance Institute. Although resource constraints continued to hinder DNI's ability to carry out its inspection mandate, there were 15,212 inspections conducted during the year. According to the Ministry of Labor, inspections occurred in response to complaints, per advanced scheduling, and at random in specific regions or activities. The ministries generally addressed complaints effectively by sending inspection teams to investigate and coordinate with each other on follow-up actions. Inspectors cannot establish fines or sanctions for employers who do not comply with labor laws; rather inspectors investigate and refer noncompliance results to labor courts. The process to fine companies and receive back wages or overtime pay may take years.

The Labor Ministry generally enforced minimum wages effectively in the San Jose area but was not effective in enforcing the minimum wage law in rural areas, particularly where large numbers of migrants were employed. The national minimum wage also applied for migrant workers. The Labor Ministry publicly recognized that many workers, including in the formal sector, received less than the minimum wage. The government continued to implement the campaign for minimum wage compliance launched in 2010. From August 2010 to July 2011, the Labor Ministry conducted 9,135 visits to businesses to ensure employers' compliance with minimum wage laws. Seventy-eight percent of businesses which failed to comply with paying the minimum wage corrected the problem after the inspection. The Labor Ministry

continued pursuing administrative steps against the employers that failed to make corrections.

While the Labor and Health Ministries shared responsibility for drafting and enforcing occupational health and safety standards, they did not enforce these standards effectively in the formal or informal sectors.

Unions also reported systematic violations of labor rights and provisions concerning working conditions, overtime, and wages in the EPZs. Labor unions reported that overtime pay violations, such as nonpayment, and mandatory overtime were common in the private sector and particularly in EPZ industries. There were reports that agricultural workers, particularly migrant laborers in the pineapple industry, worked in unsafe conditions, including exposure to chemicals without proper training. The national insurance company reported 58,195 cases of workplace-related illnesses and injuries and 39 workplace fatalities during the first six months of the year.

CUBA

EXECUTIVE SUMMARY

Cuba is a totalitarian state led by Raul Castro, who is the chief of state, president of the council of state and council of ministers, and commander in chief of the armed forces. At the Sixth Communist Party Congress held in April, delegates also elected Castro as party first secretary. The constitution recognizes the Communist Party (CP) as the only legal party and "the superior leading force of society and of the state." The 2008 legislative elections were neither free nor fair. A CP candidacy commission preapproved all candidates, and all 614 members ran unopposed. Security forces reported to a national leadership that included members of the military.

The principal human rights abuses were: abridgement of the right of citizens to change their government; government threats, intimidation, mobs, harassment, and detentions to prevent citizens from assembling peacefully; and a significant increase in the number of short-term detentions, which in December rose to the highest monthly number in 30 years.

The following additional human rights abuses continued: beatings, harsh prison conditions, and selective prosecution and denial of fair trial. Authorities interfered with privacy and engaged in pervasive monitoring of private communications. The government also placed severe limitations on freedom of speech and press, restricted freedom of movement, and limited freedom of religion. The government refused to recognize independent human rights groups or permit them to function legally. In addition, the government continued to place severe restrictions on worker rights, including the right to form independent unions.

Most human rights abuses were official acts committed at the direction of the government, and consequently the perpetrators enjoyed impunity 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.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits abusive treatment of detainees and prisoners. However, there were verified reports that members of the security forces harassed and sometimes physically assaulted human rights and prodemocracy advocates, dissidents, other detainees, and prisoners, and they did so with impunity. Some detainees and prisoners endured physical abuse, sometimes by other inmates with the acquiescence of guards, or long periods in isolation cells.

There were numerous reports of police assaults on detainees or of police standing by, and even orchestrating, government-organized mobs to assault peaceful demonstrators.

Reports of beatings of prisoners were commonplace and included beatings by prison officials as well as among prisoners. There were some reports of prisoner-on-prisoner sexual assaults, generally due to lax security by prison guards, and at least one report of rape by prison guards.

Prison and Detention Center Conditions.—Prison conditions continued to be harsh. Prison cells lacked adequate water, sanitation, space, light, ventilation, and temperature control. Although the state provided basic feeding and medical care, many prisoners relied on family parcels for food and other basic supplies. Potable water was frequently unavailable. Prison cells were overcrowded, requiring prisoners to

sleep on the floor and limiting freedom of movement during the day. Prisoners often slept on concrete bunks without a mattress, with some reports of more than one person sharing a narrow bunk. Where available, mattresses were thin and often infested with vermin. Inmates reported the frequent presence of rats, cockroaches, fleas, lice, bedbugs, stinging ants, flies, and mosquitoes. Prisoners reported that they lacked access to basic and emergency medical care, including dental care. Prisoners engaged in hunger strikes throughout the year to demand medical treatment.

Prisoners, family members, and nongovernmental organizations (NGOs) reported inadequate health care, which led to or aggravated multiple maladies. Prisoners also reported outbreaks of dengue, tuberculosis, and hepatitis. Prison health workers often reused syringes, despite the existence of communicable diseases among inmates.

There were multiple reports of prison deaths from heart attacks, asthma attacks, HIV/AIDS, and other chronic medical conditions, as well as from suicide.

The government did not publish the number of prisoners or detainees, nor did it provide information regarding the number or location of detention centers, which included not only prisons but also work camps and other kinds of detention facilities.

Estimates from unofficial sources of the prison and detention center population size varied widely, from as low as 30,000 to as high as 80,000. On December 23, President Castro announced that he would commute the sentences of more than 2,900 convicts. The authorities released these prisoners into their communities before year's end.

Men and women were held in separate prisons and police detention facilities. Generally, women reported suffering the same poor prison conditions as men, including lack of access to basic and emergency medical care. Women also reported lack of access to feminine hygiene products and adequate prenatal care. The government did not release information on the treatment of minors at either youth or adult prisons or detention centers. There were reports of inmates as young as 15 in maximum-security prisons.

Political prisoners and the general prison population were kept in similar conditions. By refusing to wear standard prison uniforms, political prisoners frequently were denied certain privileges such as access to prison libraries and standard reductions in the severity of their sentence (for example, being transferred from a maximum-security to a medium-security prison or work camp). The government sometimes placed healthy prisoners in cells with mentally disturbed inmates. Political prisoners also reported being threatened or harassed by fellow inmates whom they thought were acting on orders of prison authorities.

Prisoners reported that solitary confinement was a common punishment for misconduct and that some had been held in isolation for months or even years at a time. After his release in March, Jose Daniel Ferrer reported that he was kept in solitary confinement for most of his almost eight years in jail. In general prisoners in isolation had restrictions on family visits.

Prisoners and pretrial detainees had access to visitors, although some political prisoners' relatives reported that prison officials arbitrarily canceled scheduled visits.

Prisoners were permitted limited religious observance. Both the Catholic Church and the Cuban Council of Churches reported improved access to prisoners during the year, with services offered in prisons and detention centers in most if not all provinces. There were isolated reports that prison authorities did not inform inmates of their right to religious assistance, delayed months before responding to such requests, and limited visits to a maximum of two or three times per year.

By law prisoners and detainees may seek redress regarding prison conditions and procedural violations, such as continued incarceration after their prison sentence has expired. Prisoners reported that in practice government officials often refused to allow or accept complaints, or failed to respond to the complaints once submitted. However, the family of a political prisoner reported that central authorities resolved their complaints regarding prison living conditions after local authorities failed to do so. In another case, central government authorities instructed the local prison to stop denying privileges to a political prisoner who refused to wear the prison uniform. It was not clear whether the government investigated or monitored allegations of inhumane conditions. If investigations occurred, the results were not publicly accessible.

The government did not permit independent monitoring of prison conditions by international or national human rights groups and did not permit access to detainees by international humanitarian organizations. Despite its 2009 offer to permit a visit by the U.N. special rapporteur on torture and other cruel, inhuman, and degrading treatment or punishment, the government failed to make good on its offer during the year.

d. Arbitrary Arrest or Detention.—Under the criminal procedure code, police have wide discretion to stop and question citizens and request their identification, and to carry out arrests and searches. The law provides that police officials provide suspects with a signed "act of detention," noting the basis, date, and location of any detention in a police facility, and a registry of personal items seized during a police search. In practice police officials routinely failed to comply with these requirements during detentions or searches. Arbitrary stops and searches were most common in urban areas and at government-controlled checkpoints located at the entrances to provinces and municipalities.

Police and security officials frequently utilized short-term detentions to prevent those it perceived as government opponents from assembling freely. Detentions generally lasted from several hours to several days. On October 19, police stopped Baptist pastor Mario Felix Lleonart, an outspoken critic of police brutality in Santa Clara, and detained him for 10 hours. Short-term detentions for the year increased 99 percent over short-term detentions in 2010, according to the Cuban Commission on Human Rights and Reconciliation (CCDHRN). The CCDHRN counted 4,123 short-term detentions during the year; in December a 30-year high of 796 detentions was recorded.

Long-term imprisonment against peaceful opponents decreased but did not cease entirely. In May brothers Marcos Maikel Lima Cruz and Antonio Michel Lima Cruz were sentenced to three years and two years of incarceration, respectively, for disorderly conduct and desecrating the Cuban flag. Their incarceration came after a violent campaign of harassment that included the use of mobs against the Lima residence as punishment for the family's peaceful political opposition activities.

In addition, Cuban law allows up to a four year detention of people before they commit an actual crime, with a subjective determination of "potential dangerousness." Mostly used as a tool to control "anti-social" behavior such as substance abuse, it has also been used to silence peaceful political opponents. The exact numbers of people serving sentences for "dangerousness" is unknown, but some estimate that it exceeds 3,000 persons.

The government also restricted free assembly by preventing citizens from leaving their homes, under threat of arrest. Generally, plainclothes police officers would post themselves in the vicinity of the house to ensure that the citizen could not leave until a public event or demonstration was over. Authorities placed approximately 40 citizens under house detention October 15-16 to prevent them from attending funeral services in honor of Damas de Blanco founder Laura Pollan.

Role of the Police and Security Apparatus.—The Ministry of the Interior (MININT) exercises control over the police, internal security forces, and prison system. The ministry's National Revolutionary Police (PNR) is the primary law enforcement organization and was moderately effective in investigating common crimes. Specialized units of the MININT's state security branch are responsible for monitoring, infiltrating, and suppressing opposition political groups. The PNR supports state security agents by carrying out house searches, arresting persons of interest to the MININT, and providing interrogation facilities.

Police routinely violated procedural laws with impunity and often failed or refused to provide citizens with legally required documentation, particularly during arbitrary detentions and searches. Members of the security forces acted with impunity in committing numerous, serious civil rights and human rights abuses.

On May 5, police beat activist Juan Wilfredo Soto Garcia while handcuffed in a public square of Santa Clara. He was treated at a hospital and released but died three days later. The government denied that he had died from the beating but did not make public the results of an investigation into his death.

Although the law on criminal procedure prohibits the use of coercion during investigative interrogations, police and security forces routinely relied on aggressive and physically abusive tactics, threats, and harassment during questioning. Detainees reported that officers threatened them with long-term detention, loss of child custody rights, denial of permission to depart the country, and other threats, for instance, suggesting that an elderly relative might suffer an accident. In September state security officers detained opposition members Yelena Garces and her husband Miguel Rafael Cabrera and told them that if they continued to engage in dissident activity, the government might take custody of their three-year-old child.

There were no mechanisms readily available to investigate government abuses.

Undercover police and agents from the MININT were often present and coordinated activities with mob leaders in acts to disrupt efforts at peaceful assembly (see section 2.b.).

Many state-orchestrated "acts of repudiation" were directed against the Damas de Blanco. On multiple occasions in July and August, acts of repudiation were organized to prevent Damas de Blanco from marching after Mass in the province of

Santiago de Cuba. On October 21, contrary to its claims that the acts of repudiation were spontaneous, the government forewarned that it would deploy mobs to prevent the Damas de Blanco from marching peacefully on October 24. Mobs and state security agents assaulted Damas de Blanco leader Laura Pollan and others when they tried to leave her house.

Arrest Procedures and Treatment While in Detention.—Under the criminal procedure code, police have 24 hours after an arrest to present a criminal complaint to a police official called an instructor. The instructor then has 72 hours to investigate and prepare a report for the prosecutor. The prosecutor then has an additional 72 hours to recommend to the appropriate court whether to open a criminal investigation. Detainees have no right to counsel during this period.

By law, after the 168-hour detention period, detainees must be informed of the basis for the arrest and criminal investigation and have access to legal representation. Detainees facing formal charges must retain counsel within five days of being charged or the state can appoint an attorney on their behalf. Those charged can be released on bail, placed in home detention, or held in continued investigative detention.

In practice, however, officials often disregarded many of these procedures. Suspects often were detained longer than 168 hours without being informed of the nature of the arrest or being afforded legal counsel. In a survey of fellow prisoners conducted in 2009 and 2010, a noted dissident reported that 64 percent of pretrial detainees where he was being held had spent weeks and sometimes months without having seen an attorney or being informed of the charges against them.

Once the accused has an attorney, the defense has five days to respond to the prosecution's charges, after which a court date usually is set. There were many reports that defendants with public defenders met their attorneys for the first time only minutes before their trials. Prosecutors can demand summary trials "in extraordinary circumstances" and in cases involving crimes against state security.

Bail was available, although typically not granted in cases involving those arrested for opposition activities. Time in detention before trial counted toward time served if convicted.

Detainees can be interrogated at any time during detention and have no right to request the presence of counsel. Detainees have the right to remain silent, but officials do not have a legal obligation to inform them specifically of that right.

By law investigators must complete criminal investigations within 60 days. Prosecutors may grant investigators two 60-day extensions upon request, for a total of 180 days of investigative time. This deadline, however, can be waived by the supervising court in "extraordinary circumstances" and upon special request by the prosecutor. In that instance no additional legal requirement exists to complete an investigation and file criminal charges. This exception was invoked often. Detainees were held for months or years in investigative detention, in both political and nonpolitical cases. In nonpolitical cases delays were often due to bureaucratic inefficiencies, a lack of checks on police, and prosecutorial or judicial excesses.

e. Denial of Fair Public Trial.—While the constitution recognizes the independence of the judiciary, the judiciary is directly subordinate to the National Assembly, which can remove or appoint judges at any time. In practice the judiciary was thoroughly dominated by political considerations, and the CP and Council of State exerted near-total influence over the courts and their rulings.

Civilian courts exist at the municipal, provincial, and Supreme Court levels. Special tribunals are convened for political ("counterrevolutionary") opponents and other cases deemed sensitive to "state security" and held behind closed doors. Military tribunals may also have jurisdiction over civilians in cases where any of the defendants were members of the military, police force, or other law enforcement agency.

Trial Procedures.—Due process rights apply equally to all citizens as well as foreigners, but courts often failed to protect or observe these rights. The law presumes defendants to be innocent until proven guilty, but authorities often ignored this in practice, placing the burden on the defendant to prove innocence rather than on the prosecution to prove guilt.

Defendants generally have the right to a public trial, but politically motivated trials were often held in secret, citing exceptions for crimes involving "state security" or "extraordinary circumstances." The law does not provide for jury trials. Almost all cases concluded in less than one day.

The law provides the accused with the right to be present during trial and requires that defendants be represented by an attorney at trial, if necessary at public expense. Defendants' attorneys can cross-examine state witnesses and present wit-

nesses and evidence on the defendants' behalf. The only attorneys licensed to practice in criminal courts are attorneys who work for state collective law offices.

Criteria for admitting evidence was often arbitrary and discriminatory. According to numerous reports, prosecutors routinely introduced irrelevant or unreliable evidence to prove intent or testimony about the revolutionary credentials of a defendant. At the March trial of foreign development worker Alan Gross on charges of "subverting Cuba's national sovereignty and/or territorial integrity" by installing satellite Internet at Jewish community centers, the court admitted as evidence an "expert" who testified about Gross's alleged criminal intent from his handwriting.

Defense attorneys have the right to review the investigation files of a defendant, but not if the charges involve "crimes against the security of the state." In these cases defense attorneys are not allowed access until charges have been filed. In practice many detainees reported that their attorneys had difficulties accessing their files due to bureaucratic and administrative obstacles. Attorneys of political detainees reported that they often had greater difficulty gaining access to their clients' files.

The penal code includes the crime of "potential dangerousness," defined as the "special proclivity of a person to commit crimes, demonstrated by his conduct in manifest contradiction of socialist norms." At trial the state must only show that the defendant has "proclivity" for crime, so an actual criminal act need not have occurred. Penalties can be up to four years in prison. The authorities normally applied this law to prostitutes, alcoholics, young persons who refused to report to work centers, and repeat offenders of laws restricting change of domicile. The CCDHRN estimated that 3,000 to 6,000 citizens were held on charges of potential dangerousness.

The law recognizes the right of appeal in municipal courts but limits it in provincial courts to cases involving lengthy prison terms or the death penalty.

Political Prisoners and Detainees.—The government continued to deny holding any political prisoners. It refused access to its jails to international humanitarian organizations and the U.N. Although in 2010 the government invited U.N. special rapporteur for torture and other cruel, inhuman, or degrading treatment or punishment to conduct a fact-finding mission, no visit occurred. Special Rapporteur Manfred Nowak stated that the visit did not take place because the government failed to respond to his request to schedule the visit.

The government released dozens of political prisoners during the year, most of whom were given the option of release only if they accepted exile in Spain.

Peaceful political prisoners remained in jail, including four who were arrested and sentenced during the year. The number of peaceful political prisoners decreased significantly in the year, but accurate numbers were difficult to determine. Lack of governmental transparency and systemic violations of due process rights obfuscated the true nature of criminal prosecutions and investigations, allowing government authorities to prosecute and sentence human rights activists for common crimes or dangerousness. The government uses the designation of "CR," for counterrevolutionary, on inmates deemed to be opponents to the regime, but it did not release those numbers. The government continued to deny access to its jails to independent monitors who could help determine the size of the political prisoner population.

Political prisoners reported being held in isolation for extended periods of times, even years. Political prisoners were not given the same protections as other prisoners or detainees. In particular they were frequently denied early parole or transfers to lower-security facilities that were commonly granted to other prisoners. Political prisoners also generally were denied access to home visits, prison classes, phone calls, and on occasion, family visits. Some political prisoners refused to wear a prison uniform. Although prison authorities generally punished such refusals, many prisoners reported that eventually they were given permission to wear clothing of their own choosing.

Many prisoners were able to communicate information about their living conditions through telephone calls to human rights observers and reports to family members.

Civil Judicial Procedures and Remedies.—Civil courts exist at the municipal, provincial, and Supreme Court levels and oversee civil, administrative, labor, and economic matters. Civil courts, like all courts in the country, lack an independent or impartial judiciary as well as effective procedural guarantees. Although it is possible to seek judicial remedies through civil courts for violations of administrative determinations, lawyers noted that general procedural and bureaucratic inefficiencies often delayed or undermined the enforcement of both administrative determinations and civil court orders. No courts allowed claimants to bring lawsuits seeking remedies for human rights violations.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution protects citizens' privacy rights in their homes and correspondence, and police must have a warrant signed by a prosecutor or magistrate before entering or conducting a search. In practice, however, the government routinely and systematically monitored correspondence and communications between citizens, surveilled their movements, and entered homes without legal authority and with impunity. Police searched homes and seized personal goods without the legally required documentation.

The MININT employed a system of informants and block committees, known as Committees for the Defense of the Revolution, to monitor government opponents and report on their activities. Agents from the MININT's General Directorate for State Security subjected foreign journalists and diplomats to occasional harassment and surveillance, including electronic surveillance and surreptitious entry into their homes.

The government routinely used propaganda campaigns in the media (all of it state-owned) to slander opponents. During the year the government televised a series of propaganda "documentaries" to besmirch the reputation of the Damas de Blanco, independent bloggers, and Freemasons, among others. The programs featured footage of private meetings, including in bedrooms and hotel rooms, taken without the participants' knowledge and used without their consent.

The CP is the only legally recognized political party, and the government actively suppressed attempts to form other parties. Party membership is not required to obtain common government services, such as rations, housing, or medical care. However, the government encouraged mass political mobilization and favored citizens who actively participated, especially when awarding valued public benefits like admissions to higher education, fellowships, and jobs.

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 only insofar as it "conforms to the aims of socialist society." Laws banning criticism of government leaders and distribution of antigovernment propaganda carry penalties ranging from three months' to 15 years' imprisonment.

Freedom of Speech.—The government had little tolerance for public criticism of government officials or programs. Even prominent cultural figures faced reprisals for making statements construed to be critical of the government. Painter Pedro Pablo Oliva was expelled from the Provincial Assembly of his native Pinar del Rio and had his workshop temporarily closed after he gave an interview to a foreign publication in which he was critical of the government. Public debate of issues considered sensitive was limited. During the year state security continuously harassed the organizers of an independent forum for debates on cultural and social topics and forced them to stop discussing issues deemed controversial. The forum organizers reported visits by state security, video surveillance installed outside the venue, and detention of panelists on the day in which they were expected to appear.

During the year religious groups reported greater latitude to voice their opinions during sermons and at religious gatherings than in the past, although most members of the clergy exercised self-censorship. Religious leaders in some cases criticized the government, its policies, and even the country's leadership without reprisals. In September the Catholic Church opened a cultural center in Havana that hosted debates featuring participants voicing different opinions about the country's future; well-known dissidents were allowed to participate.

Freedom of the Press.—The government directly owned all print and broadcast media outlets and all sources of information, and it did not allow editorial independence. News and information programming was nearly uniform across all outlets. The government also controlled nearly all publications and press prints, requiring CP approval before materials could go to press.

Online postings, including from bloggers and independent journalists, were not censored. Some journalists also published newsletters in hard copy. Like other government critics, bloggers and independent journalists faced sustained government harassment.

The Catholic Church published two periodicals that sometimes included criticism of official social and economic policies. The Catholic Church received permission to broadcast Christmas and Easter messages on state-run stations. The government also allowed the broadcast of a message on September 8, the feast day of the Virgin of Charity, the country's patron saint. The Council of Churches, the government-recognized Protestant umbrella organization, was authorized to host monthly two hour-long radio broadcasts.

Violence and Harassment.—The government does not recognize independent journalism and subjected some independent journalists to detentions, harassment, equipment seizures, and threats of imprisonment. At least 25 of the political prisoners that the government released in 2010 and the first three months of 2011 had worked as independent journalists prior to their imprisonment in 2003. During the year the government televised a series of propaganda "documentaries," one of which was aimed at discrediting independent journalists and featured the outing of a well-known independent journalist who claimed that he had been working for state security for years.

Censorship or Content Restrictions.—The law prohibits distribution of printed materials that are considered "counterrevolutionary" or critical of the government. Foreign newspapers or magazines were generally unavailable. Distribution of material with political content, interpreted broadly to include the Universal Declaration of Human Rights, was not allowed and resulted in harassment and even detention. The government continued to jam the transmissions of Radio Marti and Television Marti.

The government sometimes barred independent libraries from receiving materials from abroad and seized materials donated by foreign governments and individuals. Government officials also confiscated cameras from opponents to prevent them from distributing photos and videos that it deemed objectionable, such as of those taken during arrests and detentions.

Internet Freedom.—There were significant government restrictions on access to the Internet and widespread reports that the government monitored e-mail and Internet chat rooms and browsing. The government controlled all Internet access, with the exception of extremely limited facilities provided by a few diplomatic missions and some black market facilities.

During the year the government announced that it had set up a fiber-optic line to Venezuela capable of offering broadband service, but government officials cautioned that it would not result in greater Internet access for the general population. While the government claimed 15.9 percent of the population had access to the Internet, in many cases this access was limited to a domestic "intranet" that offered only e-mail or highly restricted access to the World Wide Web.

The government granted Internet access only to a chosen few, consisting mostly of government officials, established professionals, professors, students, journalists, and artists. Others could access limited e-mail and Internet services through government-sponsored "youth clubs" or Internet centers approved and regulated by the Ministry for Information, Technology, and Communications.

The government employed as many as 1,000 bloggers to discredit the opposition, including the small independent blogger community and the Damas de Blanco. In a leaked presentation before the MININT, a government official explained that government-run bloggers had specific tasks, including one whose main responsibility was to attack everything written by independent blogger Yoani Sanchez.

Authorities reviewed the browsing history of authorized users, reviewed and censored e-mail, employed Internet search filters, and blocked access to Web sites considered objectionable. However, the government unblocked certain well-known sites, including Sanchez's site, during the year.

Numerous human rights groups reported that authorities used mobile patrols to search for unauthorized Internet and satellite television equipment. When police discovered violators, they confiscated the equipment and fined, and sometimes jailed, the owners. While the law does not set specific penalties for unauthorized Internet use, it is illegal to own a satellite dish that would provide uncensored Internet access.

The use of encryption software and transfer of encrypted files are also illegal. Despite the limited access, harassment, and infrastructure challenges, a growing number of citizens maintained blogs where they often posted opinions critical of the government, with help from foreign supporters who often built and kept the blog sites. Local access to the majority of these blogs was blocked.

Foreigners were allowed to buy Internet access cards from the national telecommunications provider and to use hotel business centers, where Internet access could be purchased only in hard currency. Access usually cost between five and 10 convertible pesos (approximately $5 to $10) an hour, a rate beyond the means of most citizens. Citizens usually were allowed to purchase Internet access at the national telecommunications provider and to use hotel business centers, but they were occasionally prohibited from purchasing access.

Academic Freedom and Cultural Events.—The government restricted academic freedom and controlled the curriculum at all schools and universities, emphasizing the importance of reinforcing "revolutionary ideology" and "discipline." Most aca-

demics refrained from meeting with foreigners, including diplomats, journalists, and academics, without prior government approval. Those permitted to travel abroad were aware that their actions, if deemed politically unfavorable, could negatively affect them and their relatives back home.

Outspoken artists and academics often faced harassment and criticism orchestrated by the government. Government bloggers denounced two-time Grammy winner and former National Assembly member Pablo Milanes after he made public statements lamenting government hostility towards dissidents in Cuba. Esteban Morales, a senior University of Havana professor and television commentator, was expelled from the CP for publishing an article addressing the challenges posed by government corruption. He successfully appealed and was reinstated in July.

Public libraries required citizens to complete a registration process before access to books or information was granted. Citizens could be denied access if they could not demonstrate a need to visit a particular library. A letter of permission from an employer or academic institution was required for access to censored, sensitive, or rare books and materials.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—Although the constitution grants the limited right of assembly, the right is subject to the requirement that they may not be "exercised against the existence and objectives of the socialist state." The law requires citizens to request authorization for organized meetings of three people or more, and failure to do so carries a penalty of up to three months in prison and a fine. In practice, however, these gatherings were tolerated. Religious groups reported the ability to gather in large numbers without registering or facing sanctions. The Catholic Church was permitted to celebrate the 400th anniversary the Virgin of Charity with a year-long series of public processions in honor of the saint.

Political opponents, however, faced greater obstacles, and police often suppressed attempts to assemble, even when these were in private dwellings and in small numbers. The government continued to organize mobs to assault and disperse those that assembled peacefully. Although the government characterized the mobs as spontaneous, participants frequently arrived in government-owned vehicles or were recruited by local CP leaders from nearby workplaces or schools. Mob participants arrived and departed in shifts, chanted revolutionary slogans, sang revolutionary songs, and verbally taunted the targets of the protest for hours. Often government-orchestrated mobs assaulted the targets or damaged their homes or property. Government officials at the scene did not arrest those who physically attacked the victims or respond to victims' complaints. On more than one occasion, officials took part in the beatings.

The government did not grant permission to antigovernment demonstrators or approve public meetings by human rights groups. While the government tolerated the Damas de Blanco's Sunday marches after Mass in Havana, government-organized mobs broke up marches planned by the Damas in other locations .

Civil society organizations reported continued suppression of the right to assemble. On November 24, several prominent Afro-Cuban activists were detained to prevent their participation in a three-day conference sponsored by the independent Citizen's Committee on Racial Integration. On November 25 and 26, state security blocked entry to the conference venue, preventing the conference from taking place as planned. The government often resorted to forceful action to disperse those assembling peacefully. In many cases it employed mobs to assault participants at events it sought to disrupt.

Human rights activists reported frequent government monitoring and disruption of cell phone and landline services prior to planned events or key anniversaries related to human rights.

Freedom of Association.—The government routinely denied its citizens freedom of association and did not recognize independent associations. The constitution proscribes any political organization that is not officially recognized. Authorities have never recognized an independent human rights organization. However, a number of independent organizations and professional associations operated as NGOs without legal recognition.

Recognized churches, the Roman Catholic humanitarian organization Caritas, the Freemason movement, and a number of fraternal and professional organizations were the only associations legally permitted to function outside the formal structure of the state, the CP, and government-organized organizations. However, these groups are under the supervision of the CP's Office of Religious Affairs, which has the authority to deny permits for religious activities and exerts pressure on church leaders.

Authorities continued to ignore applications for legal recognition from new groups, including several new religious groups as well as women's rights and gay rights organizations, thereby subjecting members to potential charges of illegal association. In 2009 an independent lawyer's group, Asociacion Juridica Cubana (AJC), filed a writ of mandamus demanding action on their application for legal recognition. In April the Supreme Court ruled that the AJC had the right to have their application for status reviewed and ordered the Ministry of Justice to do so. In June the Ministry of Justice issued the AJC a certificate stating that there is no equivalent organization in the country, the first step in the registration process.

The government continued to afford preferential treatment for those who took an active part in CP activities and mass demonstrations in support of the government, especially when awarding valued public benefits such as admissions to higher education, fellowships, and job opportunities.

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.—There are severe restrictions on freedom of movement within the country, foreign travel, and migration with the right of return.

The government tightly restricted foreign and domestic travel and limited internal migration from rural areas to Havana.

In-country Movement.—Although the constitution allows all citizens to travel anywhere within the country, changes of residence were heavily restricted. The local housing commission and provincial government authorities must authorize any change of residence. Persons living in a location illegally may be fined and sent back to their place of residence. While the regulation was in effect nationwide, it was applied most frequently in Havana. Thousands of people lived in Havana illegally and without access to food rations or local identification cards. There were cases where police had threatened to prosecute for "dangerousness" anyone who returned to Havana after having been expelled. In November the government eased internal migration restrictions, allowing "illegally present" family members of registered Havana residents to legalize their status and officially change their residence to Havana.

The law permits authorities to bar an individual from a certain area within the country, or to restrict an individual to a certain area, for a period from one to 10 years. Under this provision authorities may internally exile any person whose presence in a given location is considered "socially dangerous." Some dissidents reported that they were prevented from leaving their home provinces or detained by authorities and returned.

Foreign Travel.—The government restricted both migration and temporary foreign travel by requiring exit permits. In the latter part of the year, the government began allowing migrants to sell their vehicles and houses before departure rather than surrender them to the government.

The government allowed the majority of persons who qualified for immigrant or refugee status in other countries to depart. However, at least 200 citizens who had received foreign travel documents were denied exit permits during the year. Persons routinely denied exit permits included medical personnel, men of military age, former military or security personnel, and members of the opposition. The government requires university graduates to perform social service work for periods of up to five years, during which they are not allowed to leave the country. The government denied exit permits for several years to relatives of individuals who migrated illegally (for example, merchant seamen and sports figures who defected while out of the country). The government frequently withheld exit visas from dissidents or independent public figures.

During the year, the government denied exit visas for blogger Yoani Sanchez, bringing the total number of denials to at least 18 in the last four years.

Emigration and Repatriation.—Those seeking to migrate legally alleged they also faced police interrogation, fines, house searches, harassment, and intimidation, including involuntary dismissal from employment. Government employees who applied to migrate legally to the United States sometimes were fired from their jobs when their plans became known.

Fees for medical exams, exit permissions, passport costs, and airport taxes are payable only in hard currency and amounted to approximately 630 convertible pesos (approximately $630) for an adult, or nearly three years' salary. These fees represented a significant hardship, particularly for migrants who had been forced from their jobs and had no income.

The law provides for imprisonment of up to three years or a fine of 300 to 1,000 pesos (approximately $12 to $42) for unauthorized departures, the overwhelming majority by sea. However, most were detained for no more than two to three weeks

and given a fine, but in the case of military or police defectors, the punishment could be more severe. Jail terms were also more common for persons attempting to flee to the United States through the Guantanamo U.S. Naval Base.

Under the terms of the 1994 U.S. Cuba Migration Accord, the government agreed not to prosecute or retaliate against migrants returned from international or U.S. waters, or from the U.S. Naval Station at Guantanamo, after attempting to emigrate illegally if they had not committed a separate criminal offense. However, in practice some would-be migrants experienced harassment and discrimination such as fines, expulsion from school, and job loss.

The government generally refused to accept nationals returned from U.S. territory beyond the terms of the Migration Accord.

The government sometimes applied a law on human smuggling to would-be migrants charged with organizing or promoting illegal exits. The law provides for imprisonment from two to five years for those who organize, promote, or incite illegal exit from national territory. The CCDHRN estimated that at year's end approximately 300 citizens were in prison serving sentences or awaiting trial for smuggling charges.

Protection of Refugees.—Access to Asylum.—The constitution provides for the granting of asylum to individuals persecuted for their ideals or actions involving a number of specified political grounds. The government has no formal mechanism to process asylum for foreign nationals.

Temporary Protection.—On the small number of cases of persons seeking asylum, the government worked with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance, pending third-country settlement. In addition the government allowed foreign students who feared persecution in their home countries to remain in the country after the end of their studies, until their claims could be investigated.

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

Citizens do not have the right to change their government, and the government retaliated against those who sought peaceful political change.

Elections and Political Participation.—Recent Elections.—All 614 candidates for the National Assembly at the 2008 national elections were prevetted by government-run bodies and ran unopposed. They in turn elected Raul Castro to succeed his brother as chief of state and president by unanimous vote.

Political Parties.—All candidates for office were preapproved by government-run commissions, which rejected independent candidacies without explanation or the right of appeal. All but seven of the 614 candidates were CP members.

In the 2010 municipal elections, scores of candidates were summarily refused the opportunity to run. Some independent candidates managed to run, although they were all defeated in open, nonsecret voting.

Participation of Women and Minorities.—There are no official restrictions on women or minorities, and the government actively promotes participation of both in government. President (and CP First Secretary) Castro highlighted that the composition of the newly elected Central Committee included 48 women (42 percent) and 36 Afro-Cubans (31 percent). Following the selection of the National Assembly in 2008, the government reported the composition as approximately 63 percent white, 20 percent black, and 17 percent mixed race.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for corruption, and the government was highly sensitive to corruption allegations and often conducted anticorruption crackdowns. All government agencies, especially the Office of the General Comptroller and the MININT, were tasked with combating corruption, including through prosecution of government officials. During the year more than a dozen high-level officials and prominent business people were tried and convicted of corruption charges. There were widespread reports of police corruption. Multiple sources reported that when searching homes and vehicles, police sometimes took the owner's belongings or sought bribes in place of fines or arrests.

The law provides for three to eight years' imprisonment for "illegal enrichment" by authorities or government employees.

Government officials were not subject to special financial disclosure laws. The law provides for public access to government information, but in practice requests for information were routinely rejected.

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

The government did not recognize domestic human rights groups or permit them to function legally. Several human rights organizations continued to function outside the law, including the CCDHRN, Christian Liberation Movement, Assembly to Promote Civil Society, and Lawton Foundation for Human Rights. The government subjected domestic human rights advocates to intimidation and harassment.

There are no officially recognized, independent NGOs that monitor human rights. The government refused to recognize or meet with any unauthorized NGOs that monitor human rights.

U.N. and Other International Bodies.—The government continued to deny human rights organizations, the U.N. and the International Committee of the Red Cross access to all prisoners and detainees.

Government Human Rights Bodies.—There were no independent government bodies that monitored human rights abuses in the country.

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

The constitution prohibits discrimination based on race, gender, disability, or social status. However, racial discrimination occurred frequently.

Women.—Rape and Domestic Violence.—The law criminalizes rape, including spousal rape, and the government enforced the law. The government did not release statistics during the year on arrests, prosecutions, or convictions for rape, and no reliable information regarding it was available.

The law does not recognize domestic violence as a distinct category of violence but prohibits threats and violence, including those associated with domestic violence. Penalties for domestic violence are covered by the laws against assault and range from fines to prison sentences of varying lengths, depending on the severity of the offense.

To raise awareness about domestic violence, the government continued to carry out media campaigns during the year. Two weekly television programs discussed women's issues, including domestic violence. In addition a few government-organized organizations held conferences and worked with local communities to improve services. UNICEF reported that the government ran counseling centers for women and children in most municipalities, with staff trained in assisting victims of abuse.

Sexual Harassment.—The law provides penalties for sexual harassment, with potential sentences of three months' to five years' imprisonment. The government did not release any statistics on arrests, prosecutions, or convictions for offenses related to sexual harassment.

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. The Population Reference Bureau reported in 2011 that 73 percent of women ages15 to 49 used a modern method of contraception. Women and men had equal access to diagnostic services and treatment for sexually transmitted infections.

Discrimination.—The law accords women and men equal rights and responsibilities regarding marriage, divorce, raising children, maintaining the home, and pursuing a career. The law grants working mothers preferential access to goods and services. The law provides for equal pay for equal work, and women generally received pay comparable to men for similar work.

Children.—Birth Registration.—Citizenship is derived by birth within the country's territory, and births were generally registered promptly.

Child Abuse.—There was no societal pattern of child abuse.

Sexual Exploitation.—While there were reports of underage prostitution, there were no reliable statistics available regarding its extent. The minimum age of consent for consensual sex is 16. There is no statutory rape law, although penalties for rape increase as the age of the victim decreases. While the law does not specifically prohibit child pornography, it prohibits the production or distribution of any kind of obscene graphic material, with possible sanctions ranging from three months to one year in prison and a fine.

The government, in cooperation with the British government and a British NGO, ran centers in Havana and Santiago de Cuba for the treatment of child sexual abuse victims, including victims of trafficking. In April a third center opened in the city of Santa Clara. The centers employed modern treatment techniques, including the preparation of children to be witnesses in criminal prosecutions.

International Child Abductions.—The country is not a party to the 1980 Hague Convention on the Civil Aspects of Child Abduction. For country-specific information see the Department of State's report at http://travel.state.gov/abduction/country/country—3781.html.

Anti-Semitism.—There were between 1,000 and 1,500 members of the Jewish community. 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.—There was no known law prohibiting official discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. However, a Ministry of Labor and Social Security resolution gives persons with disabilities the right to equal employment opportunities and equal pay for equal work. There are no laws mandating accessibility to buildings, communications facilities, or information for persons with disabilities, and in practice facilities and services were rarely accessible to persons with disabilities.

The Special Education Division of the Ministry of Education is responsible for the education and training of children with disabilities. The Ministry of Labor and Social Security is in charge of the Job Program for the Handicapped.

In January 2010 at least 26 patients died of hypothermia and malnutrition at the government-run Mazorra Psychiatric Hospital in Havana when temperatures dropped to near freezing; hospital employees had sold the patients' food, medicine, and blankets on the black market. On January 31, a court sentenced 14 individuals, including the hospital's director, to prison terms of up to15 years for their role in the deaths.

*National/Racial/Ethnic Minorities.*The government actively promotes racial integration and inclusiveness. Despite these efforts Afro Cubans often suffered racial discrimination, including disproportionate stops for identity checks and searches, and could be subject to racial epithets. Afro Cubans were represented disproportionately in neighborhoods with the worst housing conditions and were economically disadvantaged.

The country celebrated the International Year for People of African Descent by hosting a series of cultural events highlighting Afro-Cuban contributions as well as academic workshops on racism and discrimination.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Officially there was no discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. However, societal discrimination based on sexual orientation or gender identity persisted.

Mariela Castro, President Castro's daughter, headed the national Center for Sexual Education and continued to be outspoken in promoting the rights of lesbian, gay, transgender, and bisexual (LGBT) persons. Nonetheless, nongovernment rights activists asserted that the government had not done enough to stop harassment of LGBT persons.

Other Societal Violence or Discrimination.—There were reports that some persons with HIV/AIDS suffered job discrimination or were rejected by their families. The government operated four prisons exclusively for inmates with HIV/AIDS. Some inmates were serving sentences for "propagating an epidemic." Special diets and medications for HIV patients were routinely unavailable.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—Although the law recognizes freedom of association, it heavily restricts this right by recognizing only the Workers' Central Union of Cuba (CTC) as the paramount trade union confederation. All trade groups must belong to the CTC in order to operate legally. The law does not provide for the right to strike. The law also does not provide for collective bargaining, instead setting up a complicated process for reaching collective agreements. The International Labor Organization continued to raise concerns regarding restrictions to collective bargaining and agreements, including that government authorities and CTC officials had the final say on all such agreements.

The government continued to take active steps to prevent the formation of independent trade unions in all sectors. CTC leaders were chosen by the CP. The CTC's principal responsibility was to manage government relations with the workforce. The CTC does not bargain collectively, promote worker rights, or advocate for the right to strike. The CTC took a lead role in disseminating information regarding the government's planned large-scale layoffs of government workers and in defending the government's decision to do so. Its leadership defended the layoffs, stating that

"our state cannot and should not continue supporting businesses, production entities, and services with inflated payrolls; it will no longer be possible to apply a formula of protecting and subsidizing salaries on an unlimited basis to workers."

Several small independent labor organizations operated without legal recognition, including the National Independent Workers' Confederation of Cuba, the National Independent Laborer Confederation of Cuba, and the Joint Council of Workers of Cuba. In April these three organizations joined forces to create the Coalition of Independent Unions of Cuba. These organizations were subject to police harassment and infiltration by government agents and had a limited capacity to represent workers effectively or work on their behalf.

The government can determine that a worker is "unfit" to work, resulting in job loss and the denial of job opportunities. Persons were deemed unfit because of their political beliefs, including their refusal to join the official union, and for trying to depart the country illegally. Professionals who expressed interest in emigrating were also penalized. Of the 75 dissidents jailed in 2003, seven were independent labor leaders. All were released over the past two years.

b. Prohibition of Forced or Compulsory Labor.—The law forbids slavery, bondage, and all forms of forced labor. The government effectively enforced the law, and there were no reports that such practices occurred. During the year the government officially abandoned mandatory summer work programs for the youth.

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 legal minimum working age is 17, although the labor code permits the employment of 15 and 16 year old children to obtain training or fill labor shortages. The labor code does not permit 15 and 16 year olds to work more than seven hours per day or 40 hours per week, or on holidays. Children ages 13 to 18 cannot work in specified hazardous occupations, such as mining, or at night.

There were no known government programs to prevent child labor or remove children from such labor. Antitruancy programs, however, helped ensure that children were in school and not in the labor market. Inspections and penalties were adequate to enforce the law, and in practice it was rare that children under 17 worked.

d. Acceptable Conditions of Work.—The monthly minimum wage was fixed at 225 pesos (approximately $9). The minimum wage requirement does not apply to the small nonstate sector. The government supplemented the minimum wage with free education, subsidized medical care (daily pay is reduced by 40 percent after the third day of a hospital stay), housing, and some food. Even with subsidies the government acknowledged that the average wage of 448 pesos per month (approximately $19) did not provide a reasonable standard of living.

The standard workweek is 44 hours, with shorter workweeks in hazardous occupations, such as mining. The law provides workers with a weekly 24-hour rest period, and 24 days of paid annual holidays. These standards applied to state workers as well as to the small nonstate sector (but not to the self-employed). The law does not provide for premium pay for overtime or prohibit obligatory overtime but generally caps the number of overtime hours at 12 per week or 160 per year. However, the law provides little grounds for a worker to refuse to work overtime. Refusal to work overtime could result in a notation in the employee's official work history that could imperil subsequent requests for vacation time. The Ministry of Labor has the authority to establish different overtime caps as needed. Compensation for overtime is paid in cash at the regular hourly rate or in additional rest time, particularly for workers directly linked to production or services, and does not apply to management.

Laws provided for workplace and environmental safety. The law provides that workers who consider their life in danger because of hazardous conditions have the right to refuse to work in a position or not engage in specific activities until such risks are eliminated. Workers remain obligated to work temporarily in whatever other position may be assigned at a salary provided for under the law.

The Ministry of Labor effectively enforced minimum wage and hours of work standards through offices at the national, provincial, and municipal levels, but the government lacked mechanisms to enforce occupational safety and health standards.

Workers frequently complained that overtime compensation was either not paid or not paid in a timely manner. The government continued to expand the number of trades that could be plied privately, to 181, and for the first time allowed the self-employed to hire labor. Foreign companies operated in a limited number of sectors, such as hotels, tourism, and mining. Such companies operated on the basis of a joint venture policy, in which the government contracted and paid company workers in pesos, an amount that was a small fraction of what the company remitted

to the state for labor costs. Employers are prohibited from contracting or paying the workers directly, although many reportedly made supplemental payments under the table.

The independent and illegal Confederation of Independent Workers of Cuba reported numerous violations of health and safety laws at worksites throughout the country, including inadequate and poorly maintained equipment and protective gear. The CTC seldom informed workers of their rights and did not respond to or assist workers who complained about hazardous workplace conditions.

DOMINICA

EXECUTIVE SUMMARY

Dominica is a multiparty, parliamentary democracy. In 2009 elections Prime Minister Roosevelt Skerrit's Dominica Labour Party (DLP) prevailed over the opposition United Workers Party (UWP) by a margin of 18 seats to three seats. Although outside observers found the elections generally free and fair, the opposition continued to boycott Parliament over alleged electoral abuses. Security forces reported to civilian authorities.

The most serious human rights problems were the overcrowded prison and domestic violence against women and children.

Other human rights problems included adverse conditions experienced by indigenous Kalinago (Carib).

The government took steps to prosecute officials who committed abuses, and there were no known cases 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.

On November 24, the chief magistrate dismissed the only pending case of criminal prosecution of police officers, stemming from the 2007 killing of Stan Bruney, upon motion by the defense. The prosecution summoned witnesses on numerous occasions and issued warrants to appear, but the key witnesses refused to appear to testify at court.

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.—Although overcrowded, prison and detention conditions generally met international standards, and the government permitted visits by independent human rights observers, although no such visits were known to have occurred during the year.

The prison has an authorized capacity of 200 inmates but held 238 inmates, including 42 detainees on remand from the court, as of year's end. The inmates included six women and 10 juveniles, who were separated from the adult male population.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Prison authorities permitted prisoners and detainees to submit complaints, and the government investigated complaints and monitored prison and detention center 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 Ministry of National Security, Labor, and Immigration oversees the Commonwealth of Dominica Police Force, the country's only security force. The police have a formal complaint procedure to handle allegations of excessive force or abuse by police officers.

Civilian authorities maintained control over the police, and the government had effective mechanisms to investigate and punish abuse and corruption. During the year there was one nonfatal shooting by a police officer that was under investigation and review by the director of public prosecutions (DPP); at year's end the DPP returned the case for further investigation in order to obtain a full forensic and medical report to document the position of the victim's wounds.

Arrest Procedures and Treatment While in Detention.—The police apprehend persons openly with warrants issued by a judicial authority. The law requires that the authorities inform persons of the reasons for arrest within 24 hours after arrest and

bring the detainee to court within 72 hours. This requirement generally was honored in practice. If the authorities are unable to bring a detainee to court within the requisite period, the detainee may be released and rearrested at a later time. There is a functioning system of bail. Criminal detainees were provided prompt access to counsel and family members.

Lengthy detention before trial was a problem due to judicial staff shortages. On average prisoners remained in remand status for more than three months.

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

Inadequate prosecutorial and police staffing and resources for investigations, together with a lack of magistrates, resulted in severe backlogs and other problems in the judicial system.

Trial Procedures.—The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. There are public trials by jury, and defendants have the right to be present, to consult with an attorney in a timely manner, and to confront or question witnesses. Criminal defendants are presumed innocent until proven guilty, are allowed legal counsel, and have the right to appeal. Courts provide free legal counsel to juveniles unable to obtain their own counsel, regardless of the crime committed, and to the indigent, but only in cases involving serious crimes. Defendants and their attorneys have access to government-held evidence relevant to their cases.

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

Civil Judicial Procedures and Remedies.—There is an independent, impartial judiciary in civil matters where one can bring lawsuits seeking damages for a human rights violation.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—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.

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.

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/.

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

The only internal restriction on movement applies to the Carib Reserve area. Since the land is collectively owned by the community and managed by the Carib Council, for a newcomer to live in the territory, the council would have to grant permission to use the land.

Although no known cases occurred, the government was prepared to cooperate with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

There were a sizable number of Haitians living in the country who applied for residency and citizenship, but not on the basis of refugee status.

Protection of Refugees.—Access to Asylum.—The government has not established a procedural system for providing protection to refugees. While the law provides for

asylum or refugee status, the government did not grant refugee status or asylum during the year.

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 parliamentary elections held in December 2009, the ruling DLP won 18 seats in the House of Assembly, defeating the UWP, which won three seats. Two of the three opposition members boycotted Parliament to pressure the government to call new elections. As a result of the boycott, after six months the government declared the two seats vacant by operation of law and called by-elections in those two constituencies, both won again by the opposition. The newly elected opposition members continued to boycott full participation in Parliament; they appear for each sitting, sign in, and then walk out.

The Caribbean Community and the Organization of American States sent teams of election observers, who declared the election to be fair and transparent. After the election, the opposition filed court complaints of election irregularities regarding a number of complaints, but the court rejected the claims except for one of ineligibility to hold office against two ministers over dual-nationality issues. After a full evidentiary trial, the court ruled against the opposition and determined the two ministers were eligible under the law.

Participation of Women and Minorities.—Voters elected two women to the House of Assembly, and these women held two cabinet positions: the minister for social services, community development, and gender affairs; and the minister for culture, youth, and sports. The appointed Speaker of the House of Assembly was a woman, and the ruling DLP appointed one woman to serve in the 10-person appointed Senate.

The parliamentary representative for the constituency that includes the Carib Territory was a Carib.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. However, there were isolated allegations publicly reported by members of the political opposition and related groups of corruption in the government, including accusations that some government officials engaged in property speculation. The same opposition groups accused government ministers of receiving unreported money from foreign sources. However, they provided no evidence to the government. Thus no charges were filed, and none of these allegations were proven in the courts.

The Integrity in Public Service Act, monitored by a government commission, requires government officials to account annually for their income and assets and those of their immediate family, as well as any gifts they have received. During the year the commission referred seven cases to the DPP for noncompliance, which represented a 96 percent compliance rate. In 2010 the DPP filed criminal charges against 26 public officials the commission identified as noncompliant. The prosecution dropped eight of the cases for lack of evidence, one official won after trial, one official pleaded guilty and was reprimanded, and the remaining faced trial at year's end.

The commission receives complaints from the public as well and investigated complaints filed against public officials. One complaint against the prime minister concerning a cabinet decision granting concessions for importation of building materials was pending before the commission at year's end.

The Financial Intelligence Unit is the chief government agency responsible for identifying and combating government corruption. In addition the police force and customs service have internal watchdog offices. The independent DPP is responsible for prosecuting major crimes, including corruption offenses, and routinely files charges of theft, false accounting, fraud, theft by deception, and related offenses. The DPP worked closely with the Financial Intelligence Unit. However, the DPP lacked adequate manpower and resources for concentration on complicated money laundering and public corruption cases.

The law does not provide for public access to government information, and the government did not provide routine access in practice. The government maintained a Web page and a government information service, where it posted information such as directories of officials and a summary of laws and press releases. The government budget and an audit of that budget were both publicly available on the Web site.

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

There were no government restrictions on the formation of local human rights organizations, although no such groups existed. Several advocacy groups, such as the Association of Disabled People, the Dominica National Council of Women (DNCW), and a women's and children's self-help organization, operated freely and without government interference.

U.N. and Other International Bodies.—There were no requests for investigations of human rights abuses from international or regional human rights groups.

Government Human Rights Bodies.—A parliamentary commissioner has responsibility to investigate complaints against the government.

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

The law specifically prohibits discrimination based on race, gender, place of origin, color, and creed, and the authorities generally respected this prohibition in practice.

Women.—Rape and Domestic Violence.—The law criminalizes rape but not spousal rape. Although the maximum sentence for sexual molestation (rape or incest) is 25 years' imprisonment, the normal sentence was five to seven years, except in the case of murder. Police were not reluctant to arrest or prosecute offenders; whenever possible, female police officers handled rape cases. The Bureau of Gender Affairs of the Ministry of Social Services, Community Development, and Gender Affairs assisted victims of abuse by finding temporary shelter, providing counseling to both parties, or recommending police action.

Sexual violence and domestic violence cases were common, and the government recognized it as a problem. Authorities received reports of 16 rapes, 44 indecent assaults, 44 cases of unlawful sexual intercourse, and 75 cases of grievous bodily harm during the year. No information was available about prosecutions or convictions. The government held workshops and participated in public awareness and outreach programs, and updated its domestic violence legislation. Victims were sometimes reluctant to speak out due to due to fear of retribution, stigma, or further violence, which suggests that the problem may be significantly under-reported. Although no specific laws criminalize spousal abuse, spouses could bring charges against their partners for battery. However, victims were often reluctant to press charges due to their reliance on financial assistance of the abuser. Shelters were operated in private homes to preserve the privacy of the victims, but the location of a shelter was hard to keep secret. There was one government-supported shelter. The law allows abused persons to appear before a magistrate without an attorney and request a protective order. The court also may order the alleged perpetrator to be removed from the home to allow the victims, usually women and children, to remain in the home while the matter is investigated. However, inadequate police resources made enforcement of these restraining orders difficult. Police officers continued to receive training in dealing with domestic abuse cases.

The Bureau of Gender Affairs reported that both male and female victims sought assistance in dealing with domestic violence. Despite the range of programs offered, there were insufficient support systems to address the problem effectively. In addition to counseling services offered by the DNCW and the bureau, there was a legal aid clinic, and the government's legal department offered assistance as well.

The DNCW provided preventive education about domestic violence and maintained a shelter where counseling and mediation services were available daily. Funding constraints limited stays at the shelter to several days at a time; however, if needed, additional housing was provided in private homes for up to three weeks. Because of the country's small size, abusive spouses commonly found and visited the victims at the shelter, making private homes a safer option in many cases. The Catholic Church continued to be active in educating the public about domestic violence.

Sexual Harassment.—The law does not prohibit sexual harassment, and it continued to be a serious problem.

Reproductive Rights.—Women were free to choose the number, spacing, and timing of their children. While statistics on maternal mortality are not available, 94 percent of births occured with a skilled attendant. Access to contraception and treatment for sexually transmitted diseases was widely available.

Discrimination.—Women enjoy the same legal rights as men. However, property ownership continued to be deeded to heads of households, who were usually male. The inheritance law provides that intestate succession leaves the surviving spouse with only a life estate. However, the title registration act was amended to accommodate transfer of property between spouses, which boosted married women's property

ownership. The law establishes pay rates for civil service jobs without regard to gender. Although there were some women in managerial or high-level positions, most women worked as shopkeepers, nurses, or in education. The unemployment rate for women was 17.6 percent, compared to 11 percent for men.

The Bureau of Gender Affairs is charged with promoting and ensuring the legal rights of women. The bureau provides lobbying, research, support, counseling, training, and education services. The bureau worked with the DNCW and other organizations to help the government, nongovernmental organizations, and police sectors coordinate work on women's issues, particularly in data collection and information sharing.

Children.—Birth Registration.—Citizenship is derived by birth to a Dominican parent. Birth certificates were provided to the parents on a timely basis.

Child Abuse.—Child abuse continued to be a pervasive problem. The law protects children against assault, ill treatment, neglect, harmful circumstances, domestic violence, and abandonment by parent or guardian. The Welfare Department of the Ministry of Social Services, Community Development, and Gender Affairs handled 184 reports of child abuse during the year, and the government opened a shelter for abused children. The Welfare Department also assisted victims of abuse by finding temporary shelter, providing counseling to both parties, or recommending police action. That department reported all severe cases of abuse to the police. Lack of staff and resources continued to hamper enforcement of children's rights laws.

Sexual Exploitation of Children.—The age of consent for sexual relations is 16. The law prohibits commercial sexual exploitation of children for purposes of prostitution, and related activity could be prosecuted under laws against prostitution or trafficking. The law protects all persons from unlawful sexual connection, rape, procurement for prostitution, and incest, and also prohibits sexual offenses against children under employment, control, or on wages. Additionally, the country has designed a series of local and national public policies preventing the commercial exploitation of children. There is no specific law dealing with child pornography. Incest carries a maximum of 25 years if committed by an adult with a person under 14 years of age. In cases of sexual intercourse with a person age 14 to 16, a maximum prison term of 14 years may be imposed. Prosecutions were often thwarted by out of court settlements for money, which the government stated it wanted to criminalize through amendments to the law.

International Child Abduction.—The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information see the Department of State's report at http://travel.state.gov/abduction/country/country—3781.html.

Anti-Semitism.—There was no organized Jewish community, and there were no reports of discrimination or any anti-Semitic acts.

Trafficking in Persons.—There were no confirmed reports that persons were trafficked to, from, or within the country during the year.

Persons With Disabilities.—The law does not specifically prohibit discrimination against persons with disabilities, and there is no legal requirement mandating access to buildings for such persons. Other than lack of access, there was no reported formal discrimination against them in employment, education, access to health care, or the provision of other state services. However, many employers refused to hire persons with disabilities, and unemployment among them was very high.

The government funded a special school for the hearing impaired and partially assisted two other schools for vision impaired and mentally challenged children. One of the public schools also had a program for autistic children. However, the education of children with disabilities remained a serious challenge, as many of the children were in rural areas.

Indigenous People.—There was a Kalinago, or Carib, population estimated at about 3,000 persons, most of whom lived in the 3,782-acre Carib Territory, an area not clearly delineated by law. There were four preschools and two primary schools in the Carib Territory and two secondary schools in nearby communities attended by Kalinago children. Despite these schools, however, the Carib language has almost completely disappeared, and students elsewhere in the country were not taught about pre-Columbian history or the role played by Caribs in shaping the country's society. The Ministry of Education covered tuition for Kalinago students at the Dominica State College and awarded scholarships to Kalinago students for study throughout the Caribbean.

The Carib Act states that any child of a Kalinago is also Kalinago. Non-Kalinagos may become Kalinagos if they are invited to live in the Carib Territory and do so continuously for 12 years.

Every five years Kalinagos over the age of 18 who reside in the territory may vote for the chief and six members of the Council of Advisors. They also are eligible to vote in national elections. In national elections, persons who are registered in the district but reside outside, either in another part of the country or internationally, are still allowed to vote in the Carib Territory. A Kalinago headed the Ministry of Carib Affairs.

The Kalinago people continued to suffer from low levels of unofficial and societal discrimination. Kalinago women in particular suffered from these types of discrimination. Unemployment in the territory generally was higher than in the rest of the country, and mean income was below the national mean. There were few jobs in the territory, because of the decline of the agricultural sector and the inability to obtain bank financing due to the lack of collateral in terms of privately owned land. Many Kalinagos who moved to the capital city of Roseau did not report any significant discrimination. The vast majority of Kalinagos have intermarried, and it was not always easy to identify someone as Kalinago.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Consensual same-sex conduct between men is illegal. Anecdotal evidence suggested that societal discrimination against lesbian, gay, bisexual and transgender (LGBT) persons was common in the socially conservative society. There were very few openly gay men or lesbians. During the year there was increased public dialogue on the issue, including increased outreach by LGBT persons promoting awareness of the problem.

Other Societal Violence or Discrimination.—The government and the Dominica Planned Parenthood Association initiated programs designed to discourage discrimination against HIV/AIDS-infected persons and those living with them.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law protects the right of workers to form and join independent unions, provides for the right to strike, and protects the right of workers to bargain collectively with employers. The law prohibits antiunion discrimination by providing that employers must reinstate workers who file a complaint of illegal dismissal, which can cover being fired for engaging in union activities or other grounds of dismissal.

In practice the government generally enforced laws governing worker rights effectively. Workers exercised the legal right to organize and choose their representatives, but less than 30 percent of private sector workers were unionized. The informal sector accounts for close to 50 percent of total employment, and workers in that sector were not unionized. Most agricultural work is performed on small family owned farms and such workers were not unionized.

Restrictions on worker rights include the fact that emergency, port, electricity, telecommunications, and prison services, as well as the banana, coconut, and citrus fruit cultivation industries, were deemed "essential," which deterred workers in these sectors from going on strike. Nonetheless, in practice essential workers have gone on strike and did not suffer reprisals. The procedure for essential workers to strike is cumbersome, involving giving appropriate notice and submitting the grievance to the labor commissioner for possible mediation. Most such actions were resolved through mediation through the Office of the Labor Commissioner.

Workers exercised the right to collective bargaining, particularly in the nonagricultural sectors of the economy, including in government service. Government mediation and arbitration were also available; few disputes escalated to industrial action. A company, a union representative, or an individual can request mediation by the Labor Commissioner's Office. In most cases the labor commissioner was able to resolve the matter. Employers generally reinstated employees who filed a complaint of illegal dismissal.

Unions and worker organizations were independent of the government and political parties but must be registered with the government.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, and the government effectively enforced the law effectively. There were no reports that such practices occurred.

c. Prohibition of Child Labor and Minimum Age for Employment.—Although two laws prohibit employment of children, one law defines a "child" as under age 12 and the other as under age 14 for hazardous work. Nonetheless, the government set a policy that defines 15 years as the minimum age for employment and enforced this standard. Children between the ages of 12 and 14 were allowed to work only in certain family enterprises such as farming. Safety standards limit the type of work, conditions, and hours of work for children over the age of 14. The government effectively enforced these standards, and there were no abuses reported. Although re-

sources were insufficient to engage in inspections on a comprehensive basis, the laws and penalties were generally adequate to remove children from illegal 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 minimum wage law establishes a base wage of EC$5.00 (approximately $1.87) per hour for all public and private workers. The minimum wage varies according to category of worker, with the lowest minimum wage set at EC$4.00 ($1.50), and the maximum at EC$5.50 ($2.06) per hour. Most workers (including domestic employees) earned more than the legislated minimum wage as prevailing wages were much higher than statutory minimum wages. Enforcement is the responsibility of the labor commissioner. Labor laws provide that the labor commissioner may authorize the employment of a person with disabilities at a wage lower than the minimum rate to enable that person to be employed gainfully. The labor commissioner has not authorized subminimum wages for the last few years.

The standard legal workweek is 40 hours in five days. The law provides overtime pay for work above the standard workweek; moreover, excessive overtime is not prohibited. The law stipulates paid holidays.

The government effectively enforced all labor standards, including in the informal sector, which accounted for close to 50 percent of total employment, and in which workers were not unionized.

The Employment Safety Act provides occupational health and safety regulations that are consistent with international standards. Inspectors from the Environmental Health Department of the Ministry of Health conducted health and safety surveys. Six inspectors from the Department of Labor in the Ministry of National Security, Immigration, and Labor conducted inspections that prescribe specific compliance measures, impose fines, and can result in prosecution of offenders. They covered all labor rights, and the Ministry of Health had 19 inspectors who also inspected labor violations. Workers have the right to remove themselves from unsafe work environments without jeopardy to continued employment, and the authorities effectively enforced this right.

DOMINICAN REPUBLIC

EXECUTIVE SUMMARY

The Dominican Republic is a representative constitutional democracy. In 2008 voters elected President Leonel Fernandez of the Dominican Liberation Party (PLD) for a third term, and in 2010 elections the PLD and its allies won majorities in both chambers of Congress. Impartial outside observers assessed these elections as generally free and fair. There were instances in which elements of the security forces acted independently of civilian control.

The most serious human rights problems were lack of respect for the rule of law, manifested by extrajudicial killings and beatings and other abuse of suspects; violence and discrimination against women, including domestic abuse, rape, and femicide; and severe discrimination against Haitian migrants and their descendants, including the retroactive application of a new immigration policy resulting in de facto statelessness for persons who have lived in the country for generations.

Other human rights problems involved widespread corruption, arbitrary arrest and detention, fair to harsh prison conditions, harassment of certain human rights groups, child prostitution and other abuses of children, trafficking in persons, violence and discrimination against persons based on sexual orientation, ineffective enforcement of labor laws, and child labor.

Although the government took some steps to prosecute and punish police and security officers who committed abuses, there was a widespread perception of impunity afforded to senior officers and other government officials.

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

a. Arbitrary or Unlawful Deprivation of Life.—The government or its agents did not commit any politically motivated killings; however, there were numerous reports that security forces were involved in many killings that were unlawful, unwarranted, or involved excessive use of force.

Between January and July police killed 154 persons, according to the Office of the Prosecutor General and Amnesty International (AI), an increase from 125 over the same period in 2010. AI noted that government statistics showed that police com-

mitted 10 percent of all the killings in the country that year. According to the police's Center for Statistics and Cartography, 263 civilians died during legal police action during the year, nine more than in 2010, while 47 police officers lost their lives in the line of duty and 23 died while off-duty.

However, the National Human Rights Commission (NHRC), a nongovernmental organization (NGO), reported 300 police killings, although the methodology used to arrive at this figure was unclear. Lack of training, lack of accountability, and inadequate supervision by superiors contributed to these police killings. Human rights NGOs asserted that, as in previous years, the police continued to employ unwarranted deadly force against criminal suspects. The National Police regularly justified the use of deadly force by claiming that the deaths occurred during an "exchange of gunfire."

According to AI, police shot and killed 21-year-old Luis Alfredo Dominguez Rodriguez (known as "Felo") on January 26 in Nagua. His friend Henry Ortiz, who was injured in the same incident, reported that four officers in a patrol car stopped them and without saying a word, shot him five times. Ortiz said an officer then shot Dominguez after one of the officers said they did not want a witness to the killing. The police then took both men to a hospital, where Dominguez died a few hours later. Ortiz remained hospitalized for 20 days. The police officers claimed the incident was an exchange of gunfire, producing as evidence an illegal firearm allegedly seized from Ortiz. Authorities detained one of the four officers, released two on bail, and dropped charges against the fourth. At year's end the Public Ministry reported that the first preliminary court hearing to determine if the case should go to trial was scheduled for January 2012, but it had been postponed several times.

A court sentenced police officer Manuel de Jesus Martinez German to 20 years' imprisonment and a fine of 5 million pesos ($131,000) for the June 2010 killing of Abraham Ramos Morel and absolved the other officer accused of charges related to the death. The trial of five police officers (Mayor Jose Estrella Fernandez, Second Lieutenant Carlos Alberto Peguero Ortiz, Sergeant Edwin Galvez Fernandez, Sergeant Major Richard Urbaez Gomez, and Sergeant Major Miguel Antonio Frias de Jesus) charged with murder for the July 2010 killing of Elio Reyes Severino was set for March 26, 2012.

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

In October the Rio Piedras, Puerto Rico, chapter of the Dominican Committee of Human Rights (DCHR) stated that the former Chief of the National Police Rafael Guillermo Guzman Fermin and General Juan Manuel Fructuoso Heredia were responsible for the torture and subsequent disappearance of Juan Almonte Herrera in September 2009. As in previous years, authorities denied the charges and asserted that Almonte was a fugitive from justice, since he was suspected of complicity in the 2009 kidnapping of Eduardo Baldera Gomez. The DCHR and Almonte's family members asserted that the government failed to comply with Inter-American Commission on Human Rights requests to investigate the whereabouts of Almonte and to provide adequate protection for his family.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law prohibits torture, beating, and physical abuse of detainees and prisoners, members of the security forces, primarily police, continued such practices. The NHRC reported that the police continued to be involved in incidents that resulted in maiming or severely injuring unarmed civilians. It brought five cases against police officials on charges of mistreatment of detainees, but none of the accused officers were prosecuted during the year. However, the NGO also reported a general improvement in the treatment of detainees during the year, noting that the problem of mistreatment seemed to stem from a lack of compassion on the part of the officers and a lack of awareness or training in the laws and proper methods of treatment. Nonetheless, there were also reports of use of excessive force against demonstrators and protesters by members of the security forces. Human rights organizations stated that uniformed vigilantism persisted on a nonlethal level.

The law provides penalties for torture and physical abuse, including sentences from 10 to 15 years in prison. Civilian prosecutors sometimes filed charges against police and military officials alleging torture, physical abuse, and related crimes. Authorities sent abuse and torture cases to civilian criminal courts rather than police tribunals.

In March the District Attorney's Office called for investigation of four police officers on charges of brutally beating Romero Omar Pena Baez. Pena accused Corporal Victoriano Castro Lazala, Private Raul Antonio Benavides Javier, First Leiutenant Franklin Casimiro Soto Ramirez, and Corporal Jonathan Arache Rodriguez, of acts of barbarism and torture, voluntary assault and battery, unlawful arrest and imprisonment, abuse of authority, and violation of freedom, after they pulled him from

his vehicle and beat him when he yelled at them for hitting his car with a billy club. On March 16, the Police Chief fired three of the four officers, saying that they reacted excessively and with a lack of tact to hit a man driving his vehicle with his family, and that they would be prosecuted.

Senior police officials treated the prohibition on torture and physical abuse seriously, but lack of supervision and training through much of the law enforcement and corrections systems undercut efforts to contain the problem. Physical abuse of detainees, most commonly beatings, as well as the use of different types of torture to obtain confessions from detained suspects, continued to be a problem.

Lawyers from the National District prosecutor's office were supposed to monitor the investigative process to ensure that detainees' rights were respected in high-volume police stations and in several National Drug Control Directorate (DNCD) offices. Assistant prosecutors at times reportedly acquiesced in improper police practices rather than insisting they be changed to conform to constitutional standards.

Prison and Detention Center Conditions.—While prison conditions ranged from fair to extremely harsh, the government made advances with newer "model prisons" known as Correctional and Rehabilitation Centers (CRCs) where prisoners experienced improved conditions in comparison with other facilities. The CRC program had 14 model prisons, based on the concept that most detainees will eventually return to their communities, and thus the CRCs should serve to prepare them for a second opportunity in life. The CRCs, which held 19 percent of all prisoners, strove to provide educational, labor, and artistic opportunities necessary to rehabilitate detainees in a setting of respect and discipline. In contrast to the traditional prisons, the model prisons were run entirely by trained civilian guards, were not overcrowded, and met the basic nutritional needs of inmates.

According to the director of prisons, per capita expenditure for CRC prisoners was three times more than that spent in conventional prisons. However, this improvement for some prisoners came at the expense of others in the system, because when a facility was converted to a model prison, excess or dangerous inmates were transferred to other locations, increasing the strain on the already overcrowded prison system.

According to the Directorate of Prisons, there were 21,610 prisoners and detainees—of whom 604 were female—held in 41 prisons, with an intended capacity of 11,055. Of the 41 prisons, 27 were traditional prisons and 14 were model prisons. The new CRCs held 4,208 of these prisoners. Virtually all prisons, other than the CRCs, experienced extreme overcrowding. La Victoria prison, the largest in the country, held 5,390 prisoners in a facility designed for 2,000. Najayo men's prison, the second largest in the country, was built for 950 prisoners and held 2,893 prisoners. La Romana appeared to be the most overcrowded prison, holding 719 inmates in a prison with an intended capacity of 91. Air circulation was a problem, and the danger of a fire was high.

Reports of mistreatment and inmate violence in prisons were common, as were reports of harassment, extortion, and inappropriate searches of prison visitors. Health and sanitary conditions were poor, and some prisons effectively were out of the control of authorities and run by criminal gangs of armed inmates. A common sentiment among prison wardens at conventional prisons was that while the wardens may control the perimeter, inmates often ruled the inside with their own rules and system of justice. In general this situation differed from the CRCs, where specialized prison guards increased control of prison areas. The attorney general, who oversaw the model prisons, reported that the incidence of corruption within the CRCs remained minimal.

Most inmates in conventional prisons begged for or purchased food from persons in the vicinity of the prison or obtained it from family members. However, the Director of Prisons indicated that a sufficient amount of food was provided to the prisons for each inmate, but in most prisons it was served earlier than the prisoners were accustomed to eating. Prisoners often were not taken to their trials unless they paid bribes to the guards, and visitors frequently had to bribe prison guards in order to visit prisoners. Similarly, detainees had to pay bribes to be allowed to attend vocational training offered at some facilities. Prison officials accepted money in exchange for a recommendation that a prisoner be furloughed or released for health reasons. There were credible allegations that prisoners could obtain early release on parole for a bribe.

Conventional prisons often did not provide adequate medical care to inmates. According to the Directorate for the Control of Sexually Transmitted Diseases and HIV/AIDS, only three prisons in the system provided HIV/AIDS treatment and care services as of June 2010. However, according to the director of the CRCs, out of the 14 model prisons, 13 had inmates with HIV/AIDS and all 13 provided HIV/AIDS treatment and care services to those inmates. Inmates in the model prisons who had

severe cases of HIV/AIDS or terminal illnesses were transferred to hospitals temporarily and often benefitted from requests made to change penalties to house arrest.

No information was available about prisoner deaths during the year. In 2010 none of the reported prisoner deaths was attributed to guards and most were related to various illnesses, including tuberculosis and HIV/AIDS.

Although a warden who reports to the attorney general was technically responsible for running each prison, in practice police or military officers (generally appointed for a period of only three to six months and responsible for providing security) were usually in charge of most conventional prisons. In 2010, approximately 80 percent of prison guards were military or police officers rather than civilian correctional officers, who were employed exclusively at the CRCs.

There were continued allegations of drug and arms trafficking, prostitution, and sexual abuse within prisons. There continued to be special sections within prisons where police officers convicted of criminal activity, including a few known human rights abusers, were held.

Female inmates generally were separated from male inmates. Half of all female inmates were held in prisons only for women, and three of the 14 CRCs were female-only. Conditions in the prison wings for women generally were better than those for men. Female inmates were allowed conjugal visits, and those who gave birth while incarcerated were permitted to keep their babies with them for up to a year.

Juveniles were processed using specialized juvenile courts and generally were held in one of seven juvenile facilities, although the press reported that some juveniles were being held in regular prisons.

Although the law states that prisoners must be separated according to the severity of the criminal offense, in general authorities did not attempt to do so. Pretrial detainees were held together with convicted prisoners in most cases, although in the CRCs convicted felons were separated from those in preventive custody. The number of prisoners in preventive custody was difficult to verify, as many prisoners were still considered to be in preventive custody after an initial conviction because they were awaiting an appeal. The law states that the pretrial waiting period should not exceed three months, but it can be extended up to 18 months in certain complex cases.

There were also insufficient efforts to segregate and provide services to mentally ill prisoners, except in the case of the CRCs in which the mentally ill were separated and received medical treatment, including therapy, for their illnesses.

Prisoners had access to visitors and were permitted religious observance. Prisoners could submit complaints about their treatment verbally or in writing, and most often did so through family members, lawyers, or human rights defenders. Complaints were referred to the prison director and, if necessary, to the Directorate of Prisons. Contrary to prior reports, NGOs indicated that representatives from district attorney offices rarely visited the prisons.

The government permitted prison visits by independent human rights observers and the media, and such visits took place during the year.

d. Arbitrary Arrest or Detention.—The criminal procedures code (CPC) prohibits detention without a warrant unless a suspect is apprehended during the commission of a criminal act or in other limited circumstances. By law authorities may detain a person without charges for up to 48 hours. However, arbitrary arrest and detention continued to be problems, and there were numerous reports of individuals held and later released with little or no explanation for the detention.

Role of the Police and Security Apparatus.—The National Police, the National Department of Intelligence (DNI), the DNCD, the Airport Security Authority (CESA), the Port Security Authority (CESEP), the frontier guards (CESFRONT), and the armed forces (army, air force, and navy) form the security forces. The Secretariat of Interior and Police is responsible for making policy decisions affecting the police force. The military, CESA, CESEP, and CESFRONT are under the minister of the armed forces; the DNI and the DNCD, which have personnel both from the police and military, report directly to the president.

Authorities fired police officers or prosecuted them in the criminal justice system when found to have acted outside of established police procedures. The police statistics center reported that authorities dismissed 357 police officers as a result of bad conduct, fired 17 for misconduct requiring litigation within the police judicial system, dishonorably discharged three others, and dishonorably discharged 38 officers whose cases were prosecuted through the civilian judicial system.

The Internal Affairs Unit effectively investigated charges of gross misconduct by members of the National Police. These cases involved physical or verbal aggression, death threats, improper use of a firearm, muggings, and theft. Internal Affairs con-

ducted 1,092 investigations during the year. Of these, 301 were for excessive use of force, 296 for aggression, 251 for death threats, and 244 for police corruption. The investigations resulted in 209 dismissals and 725 sanctions. Prosecution or investigation of high-level officials suspected of involvement in illicit activities was not pursued.

Training for military and DNCD enlisted personnel and officers, as well as members of the national police, included instruction on human rights. A total of 2,422 police officers underwent human rights training during the year. The NHRC provided its annual training on human rights to a group of 25-30 police officers. The Director of the Graduate School of Human Rights and International Humanitarian Rights reported that the school trained 1,310 persons, of whom 1,145 were military and 165 were civilian, during the year. The school also has postgraduate programs in which military members and civilians from Congress, district attorney offices, the Supreme Court, government ministries, the National Police, and the Central Electoral Board participate.

Arrest Procedures and Treatment While in Detention.—Similar to its predecessor, the 2010 constitution provides that an accused person may be detained for up to 48 hours without a warrant before being presented to judicial authorities. It also provides for recourse to habeas corpus proceedings to request the release of those unlawfully held. The CPC establishes a more restrictive 24-hour time limit in which to make formal charges, which was generally observed. Any prisoner detained for more than 48 hours without being formally charged is entitled to file a motion of habeas corpus. The presiding judge at the habeas corpus hearing is empowered to order the prisoner's release when the prisoner has been detained for more than 48 hours without being formally charged or when there is insufficient evidence that the arrestee committed a crime that warrants further detention. The judge's decision to release a prisoner is subject to appeal by the district attorney.

The law also permits police authorities to apprehend without an arrest warrant an accused person when the person is caught at the moment of committing a crime or could be reasonably linked to a crime (e.g., escaped from prison or detention facility, hot pursuit).

Despite the foregoing provisions, at times the police detained suspects for investigation or interrogation longer than 48 hours. Police often detained all suspects and witnesses in a crime and used the investigative process to determine the individuals who were innocent and merited release and those whom they should continue to hold. Even so, successful habeas corpus hearings reduced these abuses significantly.

Although previously granted only to a few defendants, bail became more common under the CPC, which requires judicial review of detentions at an earlier point in a criminal case, but the system proved inadequate to prevent defendants from going into hiding. In some cases observers suspected that the granting of bail and subsequent disappearance of the suspect were due to corruption or inefficiencies within the judicial system.

The 2010 constitution gives public defenders constitutional recognition, and the law requires provision of counsel to indigent defendants. However, most detainees and prisoners unable to afford defense services did not have prompt access to a lawyer. The National Office of Public Defense provided legal advice and representation to indigent persons, but resource constraints resulted in inadequate levels of staffing. Nationwide there were 22 public defense offices, with 145 public defenders (down from 171 public defenders in 2010 due to unfilled vacancies), 21 part-time defense lawyers, and eight investigators. The government continued its program to train public defenders on relevant changes caused by implementation of the CPC and expanded training for prosecutors.

Police continued the practice of making sporadic sweeps or roundups in low-income, high-crime communities, during which they arrested and detained individuals without warrants, allegedly to fight delinquency. During these sweeps police arrested large numbers of residents and seized personal property allegedly used in criminal activity.

The law prohibits interrogation of juveniles by the police or in the presence of police. Prosecutors and judges handled juvenile interrogations.

Pretrial Detention.—Many suspects endured long pretrial detention. Under the CPC the judge has authority to order a detainee to remain in police custody between three months and one year. According to the Directorate of Prisons, average pretrial detention typically was between three and six months. Time served in pretrial detention counted toward completing a sentence. The Public Ministry continued implementing an automated case-tracking system that permitted prosecutors to adhere more effectively to pretrial detention regulations and thereby reduce the number of

occasions when the CPC time limits were exceeded. This system covered the 32 district attorney offices.

The failure of prison authorities to produce the accused for court hearings caused a significant percentage of trial postponements. Inmates often had their court dates postponed because they were not taken from prison to court or because their lawyer, codefendants, or witnesses did not appear. The government did not provide funding to transport all defendants between prison and court. Despite additional protections for defendants in the CPC, in some cases authorities continued to hold inmates beyond the mandated deadlines even though there were no formal charges against them.

The judiciary opened model judiciary offices in La Vega, Santiago, Moca, Bonao, Constanza, San Juan de la Maguana, and Puerto Plata. Created to handle urgent matters in need of a judge (such as obtaining an arrest or search warrant and conducting arraignments), these judicial service offices were part of an effort to increase efficiency and reorganize the courts so they operate in conformance with the CPC. This reorganization proceeded at a steady pace.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, despite increasing independence in the judiciary, instances of political influence in decision making were still evident. Interference by public entities, when it occurred, tended toward public pronouncements regarding active cases and selective prosecution, as opposed to direct intervention in existing cases. On occasion, however, it appeared that judges in superior courts attempted to influence lower-court decisions. In addition corruption continued to be a serious problem (see section 4).

The 2010 constitution mandated the creation within one year of a Constitutional Tribunal composed of 13 judges to review the constitutionality of laws and decrees, and on December 21 the National Judicial Council (CNM) announced the selection of judges to serve on it. The tribunal was a brand new institution, and its members had not yet determined how they would operate, structure themselves, or agree on procedures. The CNM also will select Supreme Court and Constitutional Court justices based on factors such as general reputation and time in service, although the politicized composition of the council leaves open the possibility for appointments based on political loyalties. Lower-court judges were appointed following passage of rigorous entrance examinations, completion of a training program, and successful completion of an examination. Public defenders and public prosecutors were typically well qualified; their particular organizations required passage of objective examinations for employment.

Trial Procedures.—The law provides for a presumption of innocence, the right of appeal, and the right to confront or question witnesses. The law establishes a citizen's right not to be deprived of liberty without trial or legal formalities or for reasons other than those provided by law, the right against self-incrimination, and the right to a defense in an impartial and public trial. Defendants have the right to remain silent. The law also provides for a public defense attorney for every person that cannot afford an attorney, but staffing levels were inadequate to meet demand. Trials are public, but no juries are used. According to the constitution and the law, defendants have the right to be present and consult with an attorney in a timely manner.

There were credible allegations that authorities violated these rights in some cases, but there was improved adherence to due process as authorities became increasingly familiar with the modifications to the CPC. The district attorney's office must notify the defendant and attorney about the criminal charges as well as the evidence the district attorney's office will present in court. Defendants and attorneys have access to government-held evidence, but only after the preliminary hearing, when the indictment is approved by the judge.

Military and police tribunals shared jurisdiction over cases involving members of the security forces. While the tribunals have jurisdiction over cases involving breaking internal rules and regulations, civilian criminal courts handled cases of killings and other serious crimes allegedly committed by members of the security forces.

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

Regional Human Rights Court Decisions.—Since 2005 the government has refused to comply with a ruling by the Inter-American Court of Human Rights that held that the country had the legal obligation to recognize the citizenship of Dominican-born children of migrants under its existing constitution, as well as under international conventions. The government made the court-ordered payments to the two petitioners but did not provide them with birth certificates.

In May 2010 the Inter-American Commission of Human Rights sent the case of journalist Narciso Gonzalez, who disappeared in 1994, after allegedly criticizing the government, to the Inter-American Court of Human Rights, which heard the case on June 28-29. According to Gonzalez's wife, the court had not rendered a decision as of December 29.

Civil Judicial Procedures and Remedies.—There are separate court systems for claims under criminal law, commercial and civil law, and labor law. Commercial and civil courts reportedly suffered lengthy delays in adjudicating cases, although their decisions were generally enforced. As in criminal courts, undue political or economic influence in civil court decisions remained a problem.

Citizens had recourse to the remedy of amparo, an action to seek redress of any violation of a constitutional right, including violations by judicial officials. Although this remedy was rarely used, except by those with sophisticated legal counsel, civil society and journalists sought amparo in some major cases during the year.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits arbitrary entry into a private residence, except when police are in hot pursuit of a suspect or when a suspect is caught in the act of committing a crime. The law provides that all other entries into a private residence require an arrest warrant or search warrant issued by a judge. In practice, however, the police conducted illegal searches and seizures, including raids without warrants on private residences in many poor Santo Domingo neighborhoods.

Although the government denied using unauthorized wiretapping or other surreptitious methods to interfere with the private lives of individuals and families, human rights groups and opposition politicians alleged that such interference continued.

Unlike previous years, no reports were received of cases in which law enforcement officials punished family members for alleged crimes committed by individuals.

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.

Freedom of Speech.—Individuals or groups generally were able to criticize the government publicly and privately without reprisal, although a national journalists' association reported threats against and physical intimidation of journalists.

A group of journalists protested the government's 2010 closing of Television Channel 53 as being politically motivated, and the owner won an initial court victory; however, the government appealed, and the owner did not pursue the matter.

Violence and Harassment.—The National Journalists' Union reported that civil, police, and military authorities, criminals, and other persons assaulted or threatened more than 70 journalists during the year.

On February 16, six months after the closing of the weekly newspaper Clave and its sister Internet publication Clave Digital, Fausto Rosario Adames launched a new digital newspaper Acento.com with the dual mission of reporting the news and encouraging reader interaction via social networking software and reader contribution. Upon closing the Clave group, Rosario Adames asserted that he had received numerous death threats and had been the target of assassination attempts, allegedly because of the controversial nature of the Clave group's reporting critical of the police as well as narcotics trafficking organizations.

On August 9, a police spokesman announced that the police had identified a suspected drug trafficker, Avelino Castro, as the instigator of the August 2 killing of Jose Silvestre Herasme, an investigative journalist who frequently reported on drug trafficking and the complicity of government officials in it. At year's end Castro remained at large, although accomplices to the killing had been taken into custody.

Also in August the Superintendent of Insurance, Euclides Gutierrez Felix, threatened to sue advertisers on journalist Nuria Piera's television program after she alleged that the official had refused to pay his electricity bill. The threat prompted an outcry from local journalists' organizations. Piera subsequently obtained a court injunction ordering Gutierrez to desist from such actions against her or any other journalist.

Censorship or Content Restrictions.—The 2010 constitution provides complete protection of the confidentiality of journalists' sources and introduced a "conscience clause" allowing journalists to refuse assignments. Nonetheless, local journalists continued the practice of self-censorship, particularly when coverage could adversely affect the economic or political interests of media owners.

Internet Freedom.—There were no government restrictions on access to the Internet. However, organizations that make up the Movement for a Civil Registry Free

of Discrimination complained that their Internet and e-mail servers were hacked and telephone services interrupted in the most decisive moments of their denouncement of denationalization policies executed by the Central Electoral Board.

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, but outdoor public marches and meetings require permits, which the government usually granted. On several occasions police officers used force to break up demonstrations and killed or injured demonstrators or bystanders.

Freedom of Association.—The law provides for freedom of association, and the government generally respected this right in practice.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice; however, there were some exceptions.

In-country Movement.—Local and international human rights groups reported that potentially hundreds of thousands of persons without proper documentation, including Haitian migrants and persons of Haitian descent born in the Dominican Republic, faced obstacles in traveling both within and outside of the country.

The Migration Directorate refused to release statistics on the number of persons expelled to Haiti during the year. Throughout the year government agents continued to violate due process or internal human rights guidelines, despite the terms of a bilateral agreement with Haiti regarding repatriation of undocumented Haitians and express instructions from the Director of Migration to follow the guidelines.

On October 19, President Fernandez promulgated regulations that partially implement the 2004 Migration Law. The new regulations define the bureaucratic bodies that handle migration issues, call for the registration of all foreigners in the country, mandate the registration of babies born to nonresident foreigners in a special registry (the pink book), set forth the requirements for obtaining legal residency status, lay out a scheme for importing temporary labor (making employers responsible for the return of workers they bring in), and explicitly reiterate existing policy that subjects all illegal migrants to deportation/expulsion.

The new migration regulations were most noteworthy, however, for what they do not address: the provision in the 2004 Migration Law that requires the government to develop a National Regularization Plan aimed at regularizing the immigration status of illegal migrants who have resided in the country for a significant amount of time. Nor do the regulations address a possible "path to citizenship" for the Dominican-born children of illegal migrants, as an earlier draft did.

Protection of Refugees.—Access to Asylum.—The government established a system for providing protection to refugees but has not implemented it effectively. An applicant for refugee status must be referred by the National Office of Refugees in the Migration Directorate to the Technical Subcommittee of the National Commission for Refugees, which is chaired by the Foreign Ministry. The subcommittee has the responsibility of making a recommendation to the commission, consisting of members from the Foreign Ministry, the DNI, and the Migration Directorate. The full commission has the responsibility for the final decision on the application but met only twice during the past 16 years. Despite a commitment from the government to officially reactivate the commission, no action was taken during the year. At the U.N. High Commission for Refugees (UNHCR) ministerial meeting in December, the government again pledged to continue the work of the commission and to continue collaborating with UNHCR in evaluating asylum claims.

The UNHCR estimated that there were between 400 and 600 pending asylum cases, nearly all made by Haitians. Some of these cases had been awaiting decision since 2000, but five cases were approved (three Russians, one Haitian, and one Guatemalan) in 2009, and 25 new cases were filed during the year. According to NGOs, hundreds of other asylum seekers submitted claims that had not been processed, leaving those individuals in a state of legal limbo for years. Most of these individuals lacked documentation sufficient to obtain permission to work legally and to exercise other rights, such as obtaining documentation for their children. In addition to the pending asylum seekers, UNHCR estimated that there were approximately

100 Haitian refugee families recognized by UNHCR who were granted residency and refugee documentation by the government. Since 2000, there have been allegations that the rights of these refugees have been gradually withdrawn as a result of the government's failure to renew refugee documentation.

Nonrefoulement.—Although the government provided some protection against the expulsion or return of persons to countries where their lives or freedom might be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion, there was still a risk of deportation. Protection generally applied to individuals who gained access to the refugee process and had been issued proof that they were refugees or had applications pending. The documents provided do not bestow significant legal rights, such as residency, nor do they prevent disruption of educational studies past eighth grade to children of refugees. Due to lack of training, these documents may not be recognized by all officials who might apprehend such a person.

Children born to Haitian refugees—even those born to holders of migration documents—were routinely denied birth certificates as well as education, health, and security documentation.

Stateless Persons.—The 2010 constitution provides that anyone born in the country is a Dominican national, except children born to diplomats, children born to parents who are "in transit," or children born to parents who are in the country illegally. The exception for children of parents illegally in the country was an addition to what the previous constitution provided and reflected a 2004 migration law and a 2005 Supreme Court ruling that children born to parents who were in the country illegally did not qualify as citizens. Thus, even before implementation of the new constitution, authorities denied children of illegal migrants Dominican nationality. Before 2004, however, migration laws granted "in transit privileges" to foreigners who entered the country "with the principal intention of proceeding through the country to an exterior destination." The regulations further specified that a "period of 10 days will normally be considered sufficient to allow passage through the Republic."

Adoption of the 2004 General Law on Migration redefined the phrase "in transit." Under this law, the constitutional exception that denied nationality to Dominican-born children of persons in transit no longer applied just to parents that were transiting through the country for a period of 10 days or less, but instead considered all nonresidents as being in transit. The law broadly defined nonresidents to include not only tourists and temporary foreign workers, but also persons with expired residency visas and undocumented migrant workers. It not only affected the prospective right of Dominicans of Haitian descent to Dominican nationality, but also affected Dominicans of Haitian descent who already had Dominican nationality. This is because the civil registry began retroactively applying the law to Dominican citizens, interpreting the in transit exception to the detriment of thousands of Dominican families of Haitian origin. Prior to that, children of Haitian migrant workers born in the country were issued birth certificates and other identity documents. In 2006 government policy directives formalized the retroactive application of the 2004 Migration Law and the denial of identity documents to formerly recognized Dominicans of Haitian descent. As a result, the descendants of Haitian migrants who worked and settled in the country throughout the 20th century—who were born in the country prior to 2010 and enjoyed a right to Dominican nationality—faced an increased risk of becoming stateless.

Haitian consulates reported that they were legally authorized to register only those births that were declared within two years of a child's birth. Parents declaring a birth were required to submit valid forms of identification in order to file a claim. These requirements could not be met by a significant number of persons of Haitian descent in the country, and thus their children remained undocumented. Consequently, potentially hundreds of thousands of Dominican-born persons of Haitian descent were de facto stateless.

In 2009 the government informed the U.N. Human Rights Council that an estimated 900,000 to 1.2 million undocumented immigrants, mostly of Haitian descent, were in the country, although some officials asserted that the actual number may be closer to 2 million. The International Organization for Migration estimated that following the January 2010 earthquake in Haiti, there was an influx of approximately 130,000 additional undocumented migrants, and the Migration Directorate estimated that the number was closer to 200,000.

At the U.N. Universal Periodic Review in 2009, the government asserted it was a "moot point" whether children born of Haitian parents who were legal permanent residents in the country could be registered as Dominican nationals because the Haitian government did not recognize dual nationality. The Haitian Constitution es-

tablishes that any person born to Haitian parents is a Haitian citizen and prohibits dual citizenship, calling for the automatic revocation of Haitian citizenship upon acquiring citizenship from another country—the exception being children who may retain dual nationality until a certain age when they must choose a nationality.

Dominican-born persons of Haitian descent who lacked citizenship or identity documents faced obstacles in traveling both within and outside of the country. In addition undocumented persons cannot obtain the national identification card (cedula) or a voting card. Persons without a cedula had limited access to formal sector jobs, public education past the eighth grade, marriage and birth registration, formal economy services such as banks and loans, access to courts and judicial procedures, and ownership of land or property.

Government officials continued to take strong measures against citizenship for persons of Haitian descent born in the Dominican Republic, including refusing to renew or cancelling birth and identity documents, many pertaining to persons of Haitian descent. The government stated that such cancellations were based on evidence of fraudulent documentation, but advocacy groups alleged that the revocations targeted persons whose parents were Haitian or whose names sounded Haitian and constituted acts of denationalization. Two human rights NGOs, MUDHA and SJRM, identified 457 and 1,584 cases, respectively, of denationalization in four municipalities and indicated that in many of these cases the laws were being implemented retroactively.

On October 28, the Central Electoral Board (JCE) announced that birth certificates could be issued to those persons whose documentation was under investigation, until the courts reached a decision on validity. NGOs reported varying degrees of implementation of this new policy, possibly due in part to limited publication. Additionally, NGOs indicated that this policy applied only to persons requesting documents to be able to attend school and not to those requesting birth certificates in order to obtain other national identity documents. After a November 2 Supreme Court ruling in which the court refused to hear the appeal of Emildo Bueno Oguis, born in the country in 1975, in his case against the JCE for refusal to issue him his birth certificate, the JCE reverted to its previous policy of non-issuance.

In 2007 the JCE also created a registration system known as the pink book that allowed children born in the country of parents who were not legal residents to receive a special birth certificate. Such children whose parents had documentation from their home country may be registered in the book, after which the parents would be given an official report of birth, which does not confer citizenship. Local and international NGOs reported that since implementation of the pink book, hospitals and civil registries did not register numerous children of Haitian migrants and their descendents. An estimated 10,000 to 20,000 children are born to Haitian migrants and their descendants each year, but few of the children registered in the pink book are of Haitian descent. NGOs reported that some Haitian parents who were in the country legally, and whose children were Dominican nationals under Dominican law, were required to register their children's births in the foreigner's book.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of nearly universal suffrage. Active-duty police and military personnel may not vote or participate in partisan political activity.

Elections and Political Participation.—Recent Elections.—In May 2008 PLD candidate Leonel Fernandez won the presidency in an election described as generally free and fair by the Organization of American States, other independent observers, and the government electoral board. Observers also described the May 2010 congressional and municipal elections as generally free and fair.

The next presidential elections are scheduled for May 2012, and on December 21 the National Judicial Council named three new members to the five-person Supreme Electoral Tribunal, which has final authority to adjudicate questions over election issues.

Participation of Women and Minorities.—By law parties must reserve for women 33 percent of positions on their lists of candidates for the House of Representatives and city councils. There were four women in the 32-member Senate, 37 women in the 183-member House of Representatives, two women in the cabinet, and four women on the 17-seat Supreme Court. The law requires each party's candidates for mayor and deputy mayor to be of different genders, and there were 12 female mayors and 145 female deputy mayors.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and administration officials who engaged in corrupt practices were not prosecuted, although some were removed from office and others were submitted to the Department for Prosecution of Corruption for investigation. The World Bank's worldwide governance indicators continued to reflect that government corruption was a serious problem, and the World Economic Forum Global Competitiveness report also listed corruption as the most problematic factor for doing business in the country.

Government officials continued to be reluctant to investigate seriously and prepare for trial cases involving senior government officials of either the current or former government. The Attorney General concluded 25 corruption cases against lower- and mid-level officials, either by conviction or acquittal.

On many occasions police officials attempted to solicit bribes from individuals facing arrest or imposition of fines. Local human rights observers reported on a few occasions that immigration and police authorities rounded up undocumented construction workers and other manual laborers of Haitian origin or descent to extort money from them. NGOs alleged corruption among the military and migration officials stationed at border posts and checkpoints. These allegations were substantiated in October when authorities arrested 14 immigration inspectors and military personnel on charges of extorting money from Haitian migrants. NGOs working along the border indicated that bribes had returned to average levels of 3,000 to 5,000 pesos ($79 to $131).

The Court of Accounts submitted more than 10 audit reports to Congress with significant findings of misuse of public funds and lack of proper procedures. These reports corresponded to actions taken between 2006 and 2009 and implicated both municipal authorities as well as members of the central government. Some of the implicated persons have been brought before the courts, while other cases were still under investigation. The use of nonjudicial sanctions continued. These measures included the dismissal or transfer of armed forces members, police officers, judges, and other minor government officials engaged in bribe-taking and other corrupt behavior. Society's widespread attitude of tolerance toward at least some forms of corruption complicated the effort to reduce corruption.

The Commission for Ethics and Combating Corruption continued to operate, although with minimal practical results as it lacked well-defined authorities and decision-making structures.

The law requires that the president and vice president, members of Congress, some agency heads, and other officials such as mayors and council members, as well as income tax and customs duty collectors, make declarations of their personal and real property within a month of being hired, as well as when they "end their responsibilities." The new constitution further requires public officials not only to declare their property but also to explain its provenance, and government officials generally complied with the law. The Department for Prosecution of Corruption, an office within the Public Ministry, is in charge of reviewing these declarations. There are no criminal penalties for breaches of this law, and the power given to administrative authorities to withhold wages can only be applied to those agencies that depend on the executive branch, not to various other institutions with budgetary independence. On the whole, judges were not effective in punishing those responsible for corruption.

The 2010 constitution provides for public access to government information. The law places limits on the availability of such information only under specified circumstances (such as to protect national security). It also provides for penalties of up to two years in prison and a five-year ban from positions of public trust for government officials who obstruct access to public information. A court may review the decision of an agency to deny access to information. While often timely, responses were also often incomplete, and the government rejected subsequent requests. Moreover, there was little consistency in the determination of what was considered public information and what was not, due to the lack of a single oversight agency, and statistics on the number and outcome of requests were difficult to find.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. While government officials generally were cooperative and responsive to their views, human rights groups who advocated for the rights of Haitians and persons of Haitian descent were an important exception and faced occasional government harassment and threats. Furthermore, certain groups were rel-

egated to operating without the use of government funding, often as a result of their perceived antagonistic nature towards the government.

Government Human Rights Bodies.—The 2010 constitution establishes the position of ombudsman, although the government never implemented a 2001 law mandating the creation of a human rights ombudsman's office. The ombudsman's functions as outlined in the constitution are to safeguard the fundamental human rights of persons and to protect collective interests established in the constitution and the law.

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

Although the new constitution prohibits discrimination based on race, gender, disability, language, and social status, such discrimination existed, and the government seldom acknowledged its existence or made efforts to address the problem.

Women.—Rape and Domestic Violence.—The law criminalizes rape, including spousal rape, and provides penalties for rape ranging from 10 to 15 years in prison (or 10 to 20 years in cases of rape of a vulnerable person, a child, or if rape occurred under other egregious circumstances) and a fine of 100,000 to 200,000 pesos ($2,620 to $5,240). Despite the law, rape was a serious problem. Survivors of rape often did not report the crime, due to fear of social stigma, fear of retribution, and the perception that the police and the judicial system would fail to provide redress. The state may prosecute a suspect for rape even if the victim does not file charges, and rape victims may press charges against spouses. However, police were reluctant to handle rape cases and often encouraged victims to seek assistance from NGOs.

Despite some government efforts to improve the situation, violence against women continued to be pervasive and increased during the year. The Santo Domingo District Attorney's statistics office reported 7,112 cases of violence against women in the National District alone. In 2010 there were more than 62,000 gender violence complaints reported to authorities nationwide. Under the Law against Domestic Violence, the state can prosecute rape, incest, sexual aggression, and other forms of domestic violence. Penalties for these crimes range from one to 30 years in prison and fines from 700 to 245,000 pesos (approximately $18 to $6,420). A local NGO estimated that 20 percent of women between the ages of 15 and 49 had been victims of physical abuse at some point in their lives.

Assistant prosecutor for women's affairs Roxanna Reyes said that the number of cases of violence against women has exceeded the prosecutor general's capacity to deal with the situation and that the number of femicides indicated an emergency situation that required attention and a resounding response. She stated that more than 1,200 women lost their lives in gender-based violence during the last five years, 80 percent of whom had never filed a complaint with the prosecutor general. As of August, 157 women had died as victims of violence, of which 86 occurred due to violence in the home. In October a women's rights organization, the Center for Legal Services for Women, reported 130 women killed as a result of domestic violence since the beginning of the year, while media reports stated that there were 226 women killed during the entire year.

The Attorney General's Office oversees the specialized Violence Prevention and Attention Unit, which has 14 satellite offices in the 32 provinces in the country. At these offices survivors of violence could file criminal complaints, obtain free legal counsel, and receive psychological and medical attention. Police were instructed to forward all domestic violence and sexual assault cases to these offices. Each office had professional psychologists on staff to counsel victims of violence and to assess the threat of impending danger associated with a complaint. These offices had the authority to issue temporary restraining orders immediately after receiving complaints and to serve as messengers for the victims, which prevented contact between the victim and the abuser.

The National Directorate for Assistance to Victims coordinated efforts of official and nongovernmental institutions offering services to survivors of violence. It had three offices in Santo Domingo and two others elsewhere. These offices not only accepted criminal complaints from survivors of violence throughout the country but also provided counseling and protection services and, when necessary, referrals to medical or psychological specialists. The Secretariat of Women and various NGOs conducted outreach and training programs on domestic violence and legal rights.

The Secretariat of Women operated two shelters for domestic violence survivors in undisclosed locations, where abused persons could make reports to the police and receive counseling. The shelters provided women with short- and mid-term assistance to escape violent situations. In addition the Secretariat of Women oversaw 61 legal support offices, nine of which were in the National District, to provide legal assistance to women with gender-based violence and discrimination cases.

Sexual Harassment.—Sexual harassment in the workplace is a misdemeanor and carries a possible penalty of one year in prison and a fine of up to 10,000 pesos ($262); however, union leaders reported that the law was not enforced, and sexual harassment remained a problem.

Sex Tourism.—Sex tourism existed throughout the country, particularly in Las Terrenas, Cabarete, Sosua, and Boca Chica. NGOs conducted education and awareness programs on the problem for hotel and industrial zone workers, male and female prostitutes, and other high-risk groups.

Reproductive Rights.—Couples and individuals had the right to decide the number, spacing, and timing of children and generally had the information to do so free from discrimination, coercion, and violence. When available, contraceptives were provided without charge; however, many low-income women used contraceptives inconsistently due to both irregular availability of contraceptives from public agencies and to social and religious bias against family planning. The Population Reference Bureau reported a 60 percent rate of modern contraceptive use among married women ages 15-49. Maternal mortality remained high (at 100 deaths per 100,000 live births according to 2008 U.N. data), yet 98 percent of deliveries were attended by skilled personnel. Despite the high percentage of hospital deliveries, there were groups of women with limited access to qualified care.

Most maternal and neonatal deaths were due to poor quality of care and failure to adhere to standard norms and protocols, resulting in mismanagement of both normal and complicated deliveries. Most women had access to some postnatal care, although the lack of postnatal care was higher among young, uneducated women and those in the lowest economic quintiles. In 2010 reports indicated that in poorer provinces such as Pedernales, 29 percent of women received no postnatal care. Access to diagnostic services and treatment of sexually transmitted infections was limited by technical, financial, and management issues, which equally affected both men and women. Approximately 15,500 persons living with HIV/AIDS—the majority of whom were women—had access to antiretroviral treatment.

Discrimination.—Although the law provides women and men with the same legal rights, in practice women did not enjoy social and economic status or opportunity equal to that of men. Men held approximately 70 percent of leadership positions in all sectors. On average women received 44 percent less pay than men in jobs of equal content and requiring equal skills. Some employers reportedly gave pregnancy tests to women before hiring them, as part of a required medical examination. Although it is illegal to discriminate based on such tests, NGO leaders reported that pregnant women often were not hired and that female employees who became pregnant sometimes were fired. There were no effective government programs to combat economic discrimination against women, and wage equality and estimated earned income fell during the year.

Children.—Birth Registration.—Citizenship is acquired by birth in the country, except by children born to diplomats, to those who are in transit, or to parents who are illegally in the country (see section 2.d.). A child not registered at birth is undocumented until a late declaration is made, and there were limitations on late declarations. The most recent report from 2009 by the NGO Profamilia and the U.N. Children's Fund indicated that 13 percent of children under age 15 were not registered. Undocumented children, particularly those of Haitian descent, faced challenges in accessing primary public education.

Child Abuse.—Abuse of children, including physical, sexual, and psychological abuse, was a serious problem. The Attorney General's Office has a special Children and Adolescents Unit, which maintained a hotline where persons may call to report cases of child abuse. Few such cases reached the courts, due to fear of family embarrassment, lack of economic resources, or lack of knowledge regarding available legal assistance. The Santo Domingo district attorney's office reported that in most abuse cases, the accused was a person close to the child, such as a family member or close family friend. The law provides for removal of a mistreated child to a protective environment.

In July following media reports that CESFRONT members sexually assaulted an 11-year-old girl in the border town of Jimani, the attorney general and the Jimani prosecutor announced a joint investigation with the leadership of the border corps. Reports indicated that the girl received medical treatment and counseling following the revelation; and authorities took three CESFRONT personnel, whom the girl identified, into custody and held them for trial. There was no indication that the authorities attempted to identify or prosecute civilian perpetrators also alleged to be involved.

Local observers believed that instances of child abuse were underreported because of the widespread belief that such problems should be dealt with inside the family.

The law contains provisions concerning child abuse, including physical and emotional mistreatment, sexual exploitation, and child labor. The law provides penalties of between two and five years' incarceration and a fine of three to five times the monthly minimum wage for persons found guilty of abuse of a minor. The penalty is doubled if the abuse is related to trafficking. The government's National Directorate for Assistance to Victims coordinated efforts of official entities and NGOs to assist children who were victims of violence and abuse.

Sexual Exploitation of Children.—The law defines statutory rape as sexual relations with anyone under the age of 18. Penalties for statutory rape are 10 to 30 years in prison and a fine of 100,000 to 200,000 pesos ($2,620 to $5,240) if rape is committed against a child or adolescent. The law also contains specific provisions that prohibit child pornography and child prostitution, prescribing penalties for sexual abuse of children of 20 to 30 years' imprisonment and fines from 100 to 150 times the minimum wage.

The government conducted several programs to combat the sexual exploitation of minors, including notices in airports and targeted programs in popular tourist locations. The Ministry of Labor continued a program to combat such exploitation in popular tourist destinations such as Boca Chica, Sosua, and Las Terrenas. These programs provided psychological support and medical assistance, returned children to classrooms, and reunited children with their families and communities whenever possible. The programs also provided legal assistance to child victims and their families to arrest and convict exploiters.

International Child Abductions.—The government is a party to the 1980 Hague Convention on International Child Abduction.

Anti-Semitism.—The Jewish community was very small, approximately 300-350 persons, and 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.—Although the law prohibits discrimination against persons with disabilities, these individuals encountered discrimination in employment and in obtaining other services. The law provides for physical access for persons with disabilities to all new public and private buildings, but the authorities did not enforce this provision. The Dominican Association for Rehabilitation, which had 23 branches around the country, received a large subsidy from the Secretariat of Public Health and from the Presidency to provide rehabilitation assistance to persons with physical and learning disabilities. The association cited the lack of accessible public transportation for persons with disabilities as a major impediment. The 2000 disability law states that the government should ensure that people with disabilities have access to the labor market and cultural, recreational, and religious activities.

Discrimination against persons with mental illness was common across all public and private sectors, and there were few resources dedicated to the mentally ill.

*National/Racial/Ethnic Minorities.*There was significant evidence of racial prejudice and discrimination against persons of dark complexion, but the government denied that such prejudice or discrimination existed and, consequently, did little to address the problem.

There were also strong prejudices against Haitians, which disadvantaged many Haitians and Dominicans of Haitian ancestry, as well as other foreigners of dark complexion. Few government officials acknowledged the existence of this discrimination; others regularly and publicly denied that it existed.

Local NGOs reported incidents where darker-skinned persons were denied access or services in banks, service in restaurants and stores, entry into nightclubs, enrollment in private schools, and birth registration in hospitals. The government's 2009 U.N. Universal Periodic Review presentation asserted that the JCE's identity document rulings focused on fraud and that Haitians in the country could receive their identity documents in Haiti. The government also claimed there were no grounds to state that black Dominicans were being repatriated to Haiti and noted that authorities suspended repatriations on Fridays to prevent employers from using this as a tool to avoid paying laborers for the week's work.

Haitians continued to immigrate to the country in search of economic opportunity and relief, especially following the January 2010 earthquake. However, the Migration Directorate continued to carry out "devoluciones" or "returns" of undocumented Haitians to Haiti. Officials claimed that these removals should not be considered repatriations or deportations, although the distinction between the two was unclear. Some of those removed from the country reported that they were denied the opportunity to demonstrate that they were legal residents, to make arrangements for their families or property, or to express a credible fear of persecution or torture if

returned to Haiti. NGOs reported that migration officials and security forces sometimes confiscated and destroyed expellees' residency documents and passports despite standing government orders to respect the human rights of the expellees. In some cases expellees with appropriate legal documents received permission to return.

Some Haitian immigrants and others lived in shantytowns or sugarcane work camps known as bateyes. As in many poor areas in other parts of the country, these were harsh environments with limited or no electricity, running water, sanitary facilities, or adequate schooling. In many bateyes medical assistance either was rudimentary or not readily available, and clean water was rarely available. Many batey residents, lacking documentation, felt they had little choice but to remain in their communities, where they felt relatively safe from the risks of deportation and harassment that existed elsewhere in the country.

Private enterprises in the sugar sector continued to make improvements at their facilities, a process that began in 2007, including new schools and both new and renovated housing. In the Barahona area, the sugar consortium opened the first phase of a new housing facility for its seasonal employees. The first phase provided secure housing for 280 employees, and a second phase is to double this, providing safe housing for 560 employees. The facility is for employees only and has a 24-hour medical clinic, a secure cashier from which the employees can receive their wages, individual lockers and locks assigned to each employee, restroom and shower facilities, a multipurpose area for dining and training, and a recreation field.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Treatment of lesbian, gay, bisexual, and transgender (LGBT) individuals ranged from ambivalent tolerance to staunch homophobia. While no law criminalizes same-sex consensual activity, members of the LGBT community continued to be discriminated against in all areas of society, including health, education, and work. No law protects individuals against discrimination based on sexual orientation or gender identity. Transgender individuals were particularly at risk of being victims of violence.

NGOs reported widespread social discrimination against persons based on sexual orientation. Numerous credible reports indicated members of the LGBT community were expelled from public school, arrested without reason, fired from work, or denied access to rent or own homes.

LGBT persons faced physical attacks, intimidation, harassment, and threats of violence. NGOs reported that these groups were reluctant to file charges or complain to authorities due to fear of reprisal or humiliation. Several killings during the year were linked to the victims' sexual orientation or gender identity.

During the year authorities often refused to allow LGBT individuals to gather in public spaces, in particular the Duarte Park area of the colonial zone in Santo Domingo. Government and community leaders condemned gatherings of such persons, and police officials harassed them when they attempted to gather.

Since the first gay pride celebration in 2001, authorities rejected or delayed all other parade requests by gay and lesbian organizations. Activists reported that these organizations substituted small informal gatherings in recreational spaces, which did not require any type of permission from authorities, for marches and other such gatherings.

Other Societal Violence or Discrimination.—On a number of occasions in previous years, citizens attacked and killed alleged criminals in vigilante-style reprisals for theft, robbery, or burglary. These incidents were attributed to an increase in crime and the inability of security forces to stem or combat it. Although no specific cases attracted national attention during the year, given the common perception that crime continued to rise, it is likely that episodes of vigilante violence continued.

Persons living with HIV/AIDS faced discrimination in the workplace and elsewhere. According to the U.N. agency UNAIDS, an estimated 62,000 people were infected with the disease in 2007. A 2008 study by the Network of Persons Living with HIV, Profamilia, and Alianza Solidaria revealed that, among the sample of persons with HIV who were interviewed, 62 percent reported being the subject of gossip, 30 percent the victims of verbal aggression, 27 percent the victims of verbal threats, and 14 percent the victims of attacks or physical threats.

According to Human Rights Watch and AI, workers in many industries faced obligatory HIV testing in the workplace or when seeking medical care or medical insurance. Many workers or patients found to have the disease were not hired or were fired from their jobs or denied adequate health care. Although the law prohibits the use of HIV testing to screen employees or for medical services unrelated to the disease, there were no known instances where this was enforced, despite reports that official complaints had been filed.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law provides workers with the right to form and join unions of their choice, strike, and organize and bargain collectively. However, it places several restrictions on these rights. The law prohibits members of the military and police from forming and joining unions.

Although the law requires that unions be registered by the Ministry of Labor in order to be legal, it provides for automatic recognition of a union if the ministry has not acted on the application within 30 days. Public sector workers are allowed to form associations registered through the Office of Public Administration, not the Ministry of Labor. The law requires that 40 percent of civil servant employees agree to join the union in a given government entity for it to be formed. The law allows unions to conduct their activities without government interference.

Formal requirements for a strike to be considered legal include the support of an absolute majority of all company workers whether unionized or not, a prior attempt to resolve the conflict through mediation, written notification to the Ministry of Labor, and a 10-day waiting period following notification before proceeding with the strike.

Government workers and essential public service personnel are not allowed to strike. The law defines essential public service personnel as those working in communications, water supply, gas and electricity supply for domestic and street lighting, and hospital pharmacists.

While the law requires that collective bargaining be used in firms in which a union has gained the support of an absolute majority of the workers, it does not allow for collective bargaining unless a trade union represents an absolute majority of the workers and prohibits the use of negotiations in general terms if the union does not represent an absolute majority. The International Labor Organization (ILO) considered this requirement to be excessive and an impediment to collective bargaining. The ILO noted that the law did not specifically address the right to collective bargaining of public servants not engaged in the administration of the state.

The law prohibits antiunion discrimination and forbids employers from dismissing an employee for organizing union activities, being a member in a union or a committee discussion of a collective agreement, or being part of a committee of a union in formation. Persons who join unions must have legal documentation, although Haitian and other migrant workers are covered by the labor code regardless of legal status.

The labor code applies to foreign workers, those working as domestics, and workers in the free trade zone, but restricts their rights to certain employee benefits (see section 7.d).

The government failed to effectively enforce the law in many cases. In June 2010 the National Council of United Unions brought a complaint against the government before the ILO for obstructing the right to unionize and to register unions in several companies. After reviewing the case, the ILO requested that the government register several of the unions, assuming all procedural requirements were met, and recommended that the government amend legislation in order to allow unions of self-employed workers or of contract workers to be founded and registered.

Following the filing of the ILO complaint, the ministry approved the Workers Union of the Barrick Gold Corporation and other unions whose registrations had previously been rejected. Although Barrick recognized the union, the matter of collective bargaining remained pending at year's end. Similarly, in the Frito Lay case, the company had not responded to the union's request to use collective bargaining by year's end.

The process for dealing with disputes through labor courts was often long, with cases remaining pending for several years. Although the government stated that there have been some improvements in this process, unions noted that the process remained long. In smaller municipalities the system could be shorter, taking about one year, but in the more populated cities, including Santiago and Santo Domingo, the process continued to take several years. Public officials continued to report that the ministry's nonbinding conciliation process was the most effective method for resolving worker-company disputes though other sources reported that the conciliation process's effectiveness had diminished. Various NGOs reported that companies took advantage of the slow and ineffective legal system to appeal cases, which left workers without labor rights protection in the interim.

There were some reports of violence against union members. In particular, at IMT, a subcontractor of Barrick, workers were confronted with guns, tear gas, sticks, and stones. Dozens of workers were reportedly arrested, wounded, and fired, allegedly because they attempted to form a union.

The law forbidding companies from firing union organizers or members was enforced inconsistently, and penalties were insufficient to deter employers from violating worker rights. Some NGOs continued to report that workers who tried to form unions were routinely fired. There were reports of harassment and intimidation by employers in an effort to prevent union activity, especially in the free trade zones (FTZs). In practice formal strikes were not common.

During the year there were reports of intimidation, threats, and blackmail by employers to prevent union activity, as well as reports of firing of workers for union activity and blacklisting of trade unionists. Workers were often asked to sign documents agreeing not to participate in union activities. Companies often created and supported "yellow" or company-backed unions to counter free and democratic unions. In addition the use of short-term contracts and subcontracting increased—often making union organizing and collective bargaining more difficult. Few companies had collective bargaining pacts, partly because companies created obstacles to union formation and could afford to go through lengthy judicial processes that nascent unions could not afford.

According to the National Council of Labor Unions, unions were active in only 20 businesses out of approximately 200 companies in the FTZs, and only six unions had established collective bargaining rights. Unions in the FTZs reported that their members hesitated to discuss union activity at work, even during break time, for fear of losing their jobs. Unions accused some FTZ companies of discharging workers who attempted to organize unions. The Dominican Federation of Free Trade Zone Workers (FEDOTRAZONAS) reported that the management of several companies or their subcontractors conducted public antiunion campaigns, which included threats to fire union members, and engaged in activities to forestall attainment of union membership sufficient to establish collective bargaining rights under the labor code.

Various NGOs continued to report that many Haitian laborers and Dominicans of Haitian descent in the agricultural and construction industries did not exercise their rights, fearing firing or deportation. Enforcement of documentation rules for union members was lax, and a few labor unions represented a small number of Haitian workers.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor but was not effectively enforced. There were reports of forced labor of both children and adults within the country, including reports that both adults and children were forced to work as domestic servants. There were reports of forced labor of adults in the service, construction, and agricultural sectors. According to the Solidarity Center's 2010 Survey on Household and Agricultural Work there were reports of forced labor, including debt bondage, as well as other exploitive labor practices such as the use of payment in vouchers.

Haitian workers' lack of documentation and legal status in the country often placed them in a tenuous situation and made them vulnerable to forced labor. Although specific data on the issue were limited, there continued to be reports that some Haitian nationals may have been subjected to forced labor in the service, construction, and agricultural sectors.

There continued to be differing reports regarding whether or not forced labor was still used in the production of sugar. NGOs and other stakeholders stated that forced labor continued to occur, citing the continuation of deceptive recruiting practices, nonpayment or payment in vouchers that were difficult to convert into cash, and restrictions on some workers' ability to leave plantations—including threatening workers with deportation or imprisonment if they left the plantation, withholding portions of pay, and/or withholding identity documents. In contrast, an NGO that studied the sugar sector presented its preliminary findings and noted that it had not found evidence of forced labor, although it found that labor rights violations occurred and extremely harsh working conditions on the sugar plantations existed. Analysis of the data continued at year's end.

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 employment of children younger than 14 years of age and places restrictions on the employment of children under the age of 16, limiting their working hours to six hours per day. For those under age 18, the law limits night work and prohibited employment in dangerous work, such as work involving hazardous substances, heavy or dangerous machinery, and heavy loads. Minors are also prohibited from selling alcohol, certain work at hotels, handling cadavers, and various tasks involved in the production of sugarcane. Fines and legal sanctions may be applied to firms employing underage children.

The Ministry of Labor in coordination with the National Council for Children and Adolescents (CONANI) is responsible for enforcing child labor laws. While the ministry and CONANI effectively enforced regulations in the formal sector, child labor in the informal sector was a problem largely beyond regulatory reach.

The National Steering Committee against Child Labor's plan to eliminate the worst forms of child labor set objectives, identified priorities, and assigned responsibilities to combat exploitive child labor. Several government programs focused on preventing child labor in coffee, tomato, and rice production; street vending; domestic labor; and the sex industry. In the most recent information available (2010), the Ministry of Labor reported that such programs helped reduce the number of children exposed to the worst forms of child labor from 9.3 percent in 2004 to 6.4 percent in 2008.

Child labor remained a serious problem. In 2010 one NGO estimated that 364,000 minors between five and 17 years of age worked illegally. Child labor took place primarily in the informal economy, small businesses, private households, and agriculture. In particular, there were reports that children worked in the production of garlic, potatoes, coffee, sugarcane, tomatoes, and rice.

NGOs and the Ministry of Labor also reported that many children worked in the service sector in a number of jobs including as domestic servants in households and as street vendors, as well as in shoe shining and washing car windows. Children often accompanied their parents to work in agricultural fields. The commercial sexual exploitation of children remained a problem, especially in popular tourist destinations and urban areas (see section 6, children).

Children also worked as domestic servants, and many were victims of forced labor. There were credible reports that poor Haitian families arranged for Dominican families to "adopt" and employ their children. In some cases adoptive parents reportedly did not treat the children as full family members, expecting them to work in the households or family businesses rather than to attend school, which resulted in a kind of indentured servitude for children and adolescents.

Also see the Department of 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 were 14 different minimum wages, depending on the industry. The minimum wage for workers in free trade zones was 6,376 pesos ($1,674). The minimum wage for workers outside the zones ranged from 6,035 pesos ($158) to 9,400 pesos ($247). The minimum wage for the public sector was 5,117 pesos ($134) per month. The daily minimum wage for farm workers covered by minimum wage regulations, which included all agricultural products except sugarcane, was 175 pesos ($4.60) based on a 10-hour day. Sugarcane workers were subject to a special, lower minimum wage for the sugar industry of 110 pesos ($2.88) per 8-hour workday, an increase from 2009. Although no official estimate of the poverty income level was available, one estimate put the cost of the cheapest common basket of goods at over 10,000 pesos ($262) per month. All workers, including migrants, are covered by minimum wage provisions.

The law establishes a standard work period of 44 hours per week and stipulates that all workers are entitled to 36 hours of uninterrupted rest each week. The law includes paid annual holidays and requires premium pay for overtime, although enforcement was ineffective. The law prohibits excessive or compulsory overtime. While the law requires that employers provide a safe working environment, in practice workers could not remove themselves from hazardous working situations without losing their jobs, and employers may terminate an employment contract at will. The labor code covers domestic workers, but does not provide for them the payment of notice, severance, or bonus, and they are only guaranteed the payment of two weeks' vacation after one year of continuous work and the Christmas bonus. Workers in the free trade zones are also covered by the labor code, but are not entitled to the payment of bonuses.

In practice the Ministry of Labor did not always enforce the minimum wage. The Dominican Social Security Institute (IDSS) sets workplace safety and health conditions. Both the IDSS and the Ministry of Labor had a small corps of inspectors charged with enforcing standards. In 2010 the Ministry of Labor employed 222 labor inspectors. Workers complained that workplace safety and health inspectors were not trained, did not respond to their complaints, and more quickly responded to requests from employers than workers.

According to the 2007 National Urban Labor Force study completed by the Central Bank, the most recent national estimate available, about 54 percent of the workforce is in the informal sector, often outside the reach of government enforcement efforts.

Mandatory overtime continued to be a common practice in factories and was sometimes enforced through loss of pay or employment for those who refused. The

FEDOTRAZONAS reported that some companies set up "4x4" work schedules, in which employees work 12-hour shifts for four days. With some exceptions, employees working the 4x4 schedules were not paid overtime for hours worked in excess of maximum work hours allowed under labor laws. The Ministry of Labor took no corrective action to address this issue. Some companies also started a practice to pay every eight days instead of every seven days, which resulted in a loss of wages for workers.

On sugar plantations cane cutters usually were paid by the weight of cane cut rather than the hours worked. Cane cutters continued to suspect fraud by weigh station operators, although company officials denied it. The amount of cane a worker could cut varied, but most young able-bodied workers were able to cut two to three tons of cane in a workday, yielding a daily wage of 160-240 pesos (approximately $4.19-$6.29). Less able-bodied workers, who were often older, were paid only for the amount of the cane they actually cut, even if the amount was less than the minimum wage. During the six-month off-season, some workers in sugar plantations remained in their communities and worked part-time jobs clearing land or cleaning sugarcane. Such workers generally were not paid the legally mandated minimum wage.

Conditions for agricultural workers were poor, with many workers working long hours and exposed to hazardous working conditions including the exposure to pesticides, excessive exposure to the sun, and use of sharp and heavy tools. According to the Construction Worker's Federation there were 939 reported accidents during the year, an increase from 537 reported in 2010. Sugarcane workers often did not receive medical services or pensions due to the lack of documentation even though deductions were taken from their pay.

During the year, there were accidents that caused injury and death to workers. Although comprehensive data were not available, there were some reports of specific injuries of workers due to lack of sufficient safety controls, including injuries due to a bale of raw materials falling on an employee and machines falling on top of a worker.

ECUADOR

EXECUTIVE SUMMARY

Ecuador is a constitutional multiparty republic with an elected president and unicameral legislature. In April 2009 voters reelected President Rafael Correa and chose members of the National Assembly in elections that were considered generally free and fair. In May voters approved amendments to the constitution in a process also considered free and fair. Security forces reported to civilian authorities.

The main human rights abuses were use of excessive force by public security forces, restrictions on freedom of speech and press, and official corruption. President Correa and his administration continued verbal and legal attacks against the media and increasingly used legal mechanisms such as libel laws to suppress freedom of expression. Corruption was endemic, especially in the judicial sector, and officials engaged in corrupt practices with impunity.

The following human rights problems continued: isolated unlawful killings, poor prison conditions, arbitrary arrest and detention, corruption and other abuses by security forces, a high number of pretrial detainees, and corruption and denial of due process within the judicial system. Societal problems continued, including: physical aggression against journalists; violence against women; discrimination against women, indigenous persons, Afro-Ecuadorians, and persons based on their sexual orientation; trafficking in persons and sexual exploitation of minors; and child labor.

The government sometimes took steps to prosecute or punish officials in the security services and elsewhere in government who committed abuses, although political influence and a dysfunctional judiciary resulted in impunity in some cases.

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

a. Arbitrary or Unlawful Deprivation of Life.—The government or its agents did not commit any politically motivated killings. However, there continued to be credible reports that security forces, particularly police units, used excessive force and committed isolated unlawful killings. The Ecumenical Human Rights Commission (CEDHU) received 38 complaints of unlawful killings by security forces during the year.

On July 25, Julio Antonio Baquerizo Reyes died after 41 days in a coma due to injuries reportedly inflicted by local police. According to Baquerizo's family, on June 11, two local police officers, Marcelo Capurro and Jhonatan Obando, responded to

a domestic dispute and severely beat Baquerizo before leaving the scene. The family filed a complaint that remained under investigation at year's end.

There were no developments in the case of the "social cleansing group" of active-duty police officers that was reported on by the government's Unit for the Fight against Organized Crime in 2010.

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

A court dismissed charges related to the reported disappearance of Georgy Hernan Cedeno Saltos in 2009. The victim's family submitted as evidence the video of a routine polygraph test in which a police officer confessed to killing Cedeno Saltos. The court ruled that the video was obtained through illegal means and dismissed the case for lack of evidence (for related torture case see section 1.c.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—While the constitution and laws prohibit torture and similar forms of intimidation and punishment, some police officers reportedly tortured and abused suspects and prisoners, at times with impunity. In July 2010 the Ombudsman's Office acknowledged that "torture is a practice that has taken root."

During the year the CEDHU registered 10 cases of alleged torture and 305 cases of "unwarranted physical aggression" by security forces. The CEDHU reported that police beat suspects and used tear gas during arrests and that police beat and threatened suspects throughout interrogations to force them to confess to crimes.

On March 2, Marco Luis Sovenis, who had been briefly detained by the presidential guard on February 26, filed a complaint accusing the president's bodyguards of beating him. Sovenis alleged that the guards punched and kicked him.

On June 6, the government began the trial of 14 police officers in the case of three siblings and their stepfather, Georgy Hernan Cedeno Saltos, who accused members of the National Police Operations Support Group of illegally detaining and torturing them in northern Quito in 2009. On July 19, the court announced that it found two police officers guilty of torture and illegal detention, five others complicit in those crimes, and another five participants guilty of a cover-up. The court sentenced the police to jail terms ranging between two and 10 months, although the minimum sentence for torture is three years. All of the accused were released shortly after sentencing with credit for time served.

The law and the constitution recognize indigenous communities' right to exercise their own systems of justice based on their traditions and customs. However, there were concerns that in some instances indigenous punishments, such as floggings or cold baths, violated human rights.

Prison and Detention Center Conditions.—Conditions in prisons and detention centers generally were poor and tended to be worse in the tropical coastal areas than in the temperate highlands. In 2010 then minister of justice Jose Serrano stated that existing facilities were overcrowded by 93 percent.

Overcrowding continued to be a problem in most prison facilities. As of December the National Agency for Social Rehabilitation (DNRS) reported that 43 facilities held 16,587 prisoners, compared with 11,800 the previous year. Pretrial detainees were held with convicted prisoners. The government reported that there were 1,372 juvenile prisoners but did not report on the number of female prisoners.

A number of prisons experienced serious outbreaks of disease, and medical care was often inadequate. Chronic overcrowding and lack of preventive health-care measures permitted disease to spread quickly. The health care provided was minimal and sufficient only for emergencies. Prisoners reported having to pay bribes to visit the medical clinic and said they had no access to dental care. Many prisoners reported problems with asthma due to dust and pollution and said that they had no access to inhalers. The DNRS reported that 21 prisoners died during the year, compared with 42 deaths in 2010.

Prisoners reported widespread extortion by prison guards, officials, and other prisoners. Prisoners are expected to pay bribes to improve the quality or quantity of food they receive, to have access to the prison medical clinic, or to change or improve the location in which they are held. Some prisoners reported that the penitentiary did not have a record of how long they had been incarcerated or how long their sentence was. Most prisoners were not released upon completing their sentence, but rather remained incarcerated for an additional three to five months due to bureaucratic inefficiencies and corruption. There were no improvements in recordkeeping during the year. Most prisons continued to rely on paper files and lacked access to computers and the Internet. Prisoners convicted of nonviolent crimes could have their sentences reduced by 50 percent for good behavior and were eligible for parole after serving 60 percent of the time of their original sentence. There were no changes in alternatives to sentencing for nonviolent offenders during the year.

According to a report by the international nongovernmental organization (NGO) Prisoners Abroad, resources in the prisons were minimal, and prisoners (and their families) were expected to provide almost all mattresses, clothing, and medicines. Prisons provided three very basic meals a day, but prisoners reported that the quality of food could be very poor. Prisoners often supplemented these rations by buying their own food. Prisoners had access to potable water.

While physical conditions were notably better in the Quito women's prison than in men's facilities, according to the CEDHU, male guards were responsible for guarding female inmates, and female inmates reported that male guards requested sexual favors in return for assistance. Detention centers provided day-care facilities for children younger than three who could not be separated from their mothers.

Although in most instances the government permitted prison visits by independent human rights observers, authorities occasionally did not permit observers to visit prisoners. The DNRS stated that all properly identified officials and representatives from NGOs were able to visit prisoners, yet observers and authorities frequently were unable to find prisoners because of poor recordkeeping and corruption of prison officials. Prisoners were free to practice a religion, although religious representatives were not always permitted to visit prisoners. According to a report by Prisoners Abroad, prisoners were allowed all-day visits three days a week and, in the men's prisons, women could stay overnight every other Saturday.

Prisoners reported that it was nearly impossible to raise complaints about their conditions to members of the prison staff. Prisoners often feared reprisal and believed that their requests would go unanswered. Authorities reportedly did not investigate allegations of inhumane conditions. There were no prison ombudsmen. However, prisoners had the right to appeal to local and national human rights ombudsmen, although the limited resources of these entities hampered their effectiveness in practice.

There were no developments in the government's 2010 pledge of $40 million (the U.S. dollar is the official currency) to construct new prison facilities.

d. Arbitrary Arrest or Detention.—While the constitution prohibits arbitrary arrest and detention, the law and some regulations adopted by central or provincial authorities undermine the guarantees offered.

Role of the Police and Security Apparatus.—The National Police are responsible in law and practice for internal security and law enforcement and are under the authority of the Ministry of Interior. National Police effectiveness was impaired by corruption, poor hiring procedures, and insufficient training, supervision, and resources. In January Human Rights Watch reported that "impunity for police abuses, including extrajudicial executions, is widespread." A police internal affairs office investigates complaints against police officers and can refer cases to the courts. Civilian authorities maintained effective control over the police and armed forces.

Because of the critical crime situation, the president delegated some internal security duties to the armed forces.

NGOs provided human rights training for police officers at the request of the National Police. More than 10,000 members of the police force were trained through monthly courses. The government continued to improve the preparedness of police, including increasing funding and salaries and purchasing equipment.

When mob violence took place, police sometimes failed to intervene or respond in a timely fashion (see section 6, Societal Violence).

Following the September 2010 protest by the National Police, the Prosecutor General's Office opened several investigations into threats to internal security, murder, rebellion, sabotage, and attempts to assassinate the president. Approximately 40 police officers were sentenced on charges resulting from involvement in the protest, and the investigations and trials remained underway at year's end. The National Police also carried out internal investigations resulting in administrative sanctions for police who disobeyed orders.

Arrest Procedures and Treatment While in Detention.—The law requires authorities to issue specific written arrest orders prior to detention and a judge must charge a suspect with a specific criminal offense within 24 hours of arrest. Authorities generally observed this time limit, although in some provinces immediate detention was often considerably longer. Defendants have the right to be informed of the charges against them. If the initial investigation report is detrimental, the judge, upon the prosecutor's request, may order pretrial detention.

Detained persons may challenge the legality of their detention through a habeas corpus petition submitted to any judge in the locality where the detention took place, and there is no time limit within which a habeas corpus petition must be filed. The detainee may also request bail or other alternatives to pretrial detention.

Such alternatives (for example, house arrest or probation) are allowed only in the case of crimes punishable with prison terms of less than five years.

Authorities charged with determining the validity of detention often allowed frivolous charges to be brought, either because they were overworked or because the accuser bribed them. The system frequently was used as a means of harassment in civil cases in which one party sought to have the other arrested on criminal charges.

According to the constitution, detainees have the right to an attorney or to request a court-appointed defense attorney. The autonomous Public Defense Office provided legal services to defendants. Civil society groups, lawyers' associations, and universities—some contracted by the Public Defense Office—continued to provide support for vulnerable groups that did not have access to legal defense.

Although the law prohibits incommunicado detention, human rights organizations continued to report occasional violations. The law entitles detainees prompt access to lawyers and family members, but there were delays depending on the circumstances and officials' willingness to enforce the law. Alleged narcotics traffickers commonly waited 24 to 48 hours for these visits. Detainees with sufficient resources bribed prison officials to facilitate access. The CEDHU reported that Judicial Police facilities holding persons for preliminary investigation did not allow visits by family or counsel.

Arbitrary Arrest.—The Regional Foundation for Human Rights Legal Services reported numerous complaints of arbitrary detention. However, most victims did not wish to pursue legal cases. Many victims chose not to do so due to fear of reprisal, lack of resources, or little hope for a fair trial due to judicial and police corruption.

Pretrial Detention.—The government estimated that 44 percent of prisoners had not been sentenced. Trial delays were caused by lengthy and complicated judicial procedures; corruption and poor training of the police, prosecutors, public defenders, and judges; and general judicial inefficiency. Many cases were abandoned because the victims did not pursue a sentence, in part because of the cost of retaining counsel and of bribing the appropriate judicial authorities.

e. Denial of Fair Public Trial.—While the constitution provides for an independent judiciary, in practice the judiciary was susceptible to outside pressure and corruption. The media reported on the susceptibility of the judiciary to bribes for favorable decisions and faster resolution of legal cases. Judges occasionally reached decisions based on media influence or political and economic pressures.

On May 13, Minister of the Interior Jose Serrano threatened to bring criminal charges against a judge for corruption and bias. Serrano's accusations stemmed from the judge's ruling in favor of Cesar Carrion, who was accused of attempting to assassinate the president during the police protest of September 2010.

In some cases the outcome of trials appeared predetermined, and there were credible allegations by defendants and the press that verdicts delivered by judges were not actually written by them. In the libel suit brought by President Correa against the newspaper El Universo (see section 2.a.), the presiding judge published a 156-page decision 25 hours after the hearing. In similar cases such decisions usually take at least two weeks (and often significantly longer) to produce. The defendants alleged that the decision was not written by the presiding judge, but rather copied onto the judge's computer from an external memory device. The defendants filed a complaint against the judge that was under investigation by the Guayas attorney general at year's end.

Trial Procedures.—Despite efforts to modernize the court system, the judiciary continued to operate slowly and inconsistently. There were lengthy delays before most cases came to trial. Judges reportedly rendered decisions more quickly or more slowly due to political pressure or, in some cases, the payment of bribes. The failures of the justice system contributed to cases in which communities took the law into their own hands, including mob violence against suspected criminals.

Defendants are presumed innocent until convicted in a trial. There are no juries in the justice system. All citizens have the right to a public trial, to consult with an attorney or to have one provided, and to appeal. Defendants may present evidence, invoke the privilege against self-incrimination, and confront and cross-examine witnesses. Defendants have the right to access evidence held by the police or public prosecutor. However, in practice this right was not consistently exercised because of many defendants' lack of knowledge of the right, lack of preparation, or lack of legal representation. Authorities generally failed to inform defendants of this right.

The regular court system tried most defendants, although some indigenous groups tried members independently for violations of tribal law. While the law and the constitution recognize indigenous communities' right to exercise their own systems of justice based on their traditions and customs, they do not specify how this right is

to be implemented. This parallel system raised questions of both jurisdiction and conformity with the right to a fair trial, as well as the possibility of inconsistent results between systems.

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

Civil Judicial Procedures and Remedies.—Civilian courts and the Administrative Conflicts Tribunal, generally considered independent and impartial, handle lawsuits seeking damages for, or cessation of, human rights violations. However, civilian lawsuits seeking damages for alleged wrongs by the state were rarely filed, since such suits were time-consuming and difficult to prosecute, with judges taking up to a decade to rule on the merits.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution provides for freedom of speech and press, but the government restricted these rights in practice.

Freedom of Speech.—President Correa and his government continued verbal and legal attacks against the press during the year. The president regularly stated that the press was his "biggest enemy" and increasingly filed libel lawsuits against journalists. He also publicly encouraged government officials and private individuals to bring cases against the media.

Generally, individuals could criticize the government publicly or privately without reprisal. However, it is illegal to threaten or insult the president or executive branch, and violators can be reprimanded with six months' to two years' imprisonment or a fine of $16 to $77.

On February 26, the presidential guard briefly detained Marco Luis Sovenis after he shouted "fascist" at the president. In his weekly address on March 5, President Correa stated: "Like it or not, in this country it is a crime to shout 'fascist' at the president. We are going to bring the relevant criminal charges." However, Sovenis was never formally charged.

Freedom of the Press.—The independent media remained active and expressed a wide variety of views, including those critical of the government. The government owned at least 19 media stations and used its extensive publicity to influence public debate. New laws also limited the ownership of media companies.

Violence and Harassment.—The law mandates the broadcast of messages and reports by the president and his cabinet free of charge. The government regularly required media stations to broadcast statements by the president and other leaders, and this reduced the stations' paid programming. President Correa frequently used these broadcasts and his public appearances to make personal attacks on specific journalists, as well as to criticize the media, question its competence and professionalism, and accuse it of bias. Journalists and local press associations reported that the president's "systematic" verbal attacks against the media created "a hostile environment for journalists."

The press freedom NGO Fundamedios reported 156 cases of harassment (threats, attacks, or arrests) against journalists or other representatives of the press during the year.

On October 23, journalist Wilson Cabrera Riera was denied permission to leave the country due to an outstanding warrant for his arrest. Cabrera claimed that the warrant was baseless and had been issued in a region of the country that he had never visited. Cabrera was attempting to travel to the Inter-American Commission on Human Rights (IACHR) to participate in a hearing about press freedom in the country.

On November 9, Cesar Ricaurte, executive director of Fundamedios, stated in an interview that he had received death threats following his October 25 testimony at the IACHR regarding the situation of press freedom in the country.

Censorship or Content Restrictions.—The relationship between the press and the government was poor, and journalists working at private media companies reported instances of indirect censorship and stated that President Correa's attacks caused them to practice self-censorship.

Private media companies reported that the government frequently used tax and labor inspections to harass those companies that published reports critical of the government. These investigations forced the companies to undertake time-consuming and costly legal defense.

The government was the largest single advertiser in the country and used advertising contracts to reward or punish media companies. Media companies critical of the government reported receiving no government advertising or having large contracts cancelled.

Journalists claimed that the broadcast frequency renewal process became a subjective political evaluation of the station rather than a technical review.

Libel Laws/National Security.—The government increasingly used legal mechanisms against media companies, journalists, and private individuals, including use of libel laws. Fundamedios reported 26 lawsuits against journalists or media companies since 2006, six of which were filed during the year. Libel is a criminal offense under the law with penalties of up to three years in prison, fines, and damages.

The law includes criminal libel charges, which may be used to criminalize opinion. The reach of the law, however, including whether it applies to opinion articles and whether media owners are liable for statements made by reporters or others using their media platforms, remained unclear and was under scrutiny in the El Universo and Hoy cases.

On March 22, President Correa filed criminal libel charges against the newspaper El Universo; its directors Carlos, Cesar, and Nicolas Perez; and former opinion editor Emilio Palacio for an editorial published on February 6. On July 20, a judge found the four defendants guilty of libel and sentenced them to three years in jail and a combined $30 million damages payment. The newspaper was assessed an additional $10 million in damages. In late August Palacio fled the country, reportedly because he feared he was in danger. In September the Guayas Provincial Court upheld the initial verdict after the defendants appealed. The defendants filed a second appeal with the National Court of Justice. On December 28, the national court upheld Palacio's conviction. A hearing for the separate appeal filed by El Universo and its directors was pending at year's end.

On December 21, the Pichincha Criminal Court sentenced Hoy newspaper director Jaime Mantilla Anderson to three months in prison and a $25 fine based on a libel lawsuit filed by then Central Bank chairman Pedro Delgado Campana. According to press reports, the case was filed in 2009 on the claim that several articles published in the newspaper harmed Delgado's reputation. Mantilla was sentenced after he refused to disclose the names of the journalist or the sources. After the ruling Delgado told the press that he would withdraw the charges, but at the end of the year he had not formally submitted a request to do so. Mantilla appealed the sentence.

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 law provides for freedom of peaceful assembly. The government generally respected this right in practice, although some exceptions occurred. Public rallies required prior government permits, which were generally granted with some exceptions. The government often deployed a large security presence at demonstrations. Security forces generally respected the rights of participants, but some exceptions occurred.

The government increasingly filed legal charges or opened investigations against protesters who blocked roads or impeded public services, charging demonstrators with "terrorism and sabotage" or similar charges that effectively criminalized protest. NGOs estimated that 100 to 200 persons faced criminal charges for their participation in protests.

On August 8, indigenous leaders Carlos Perez, Federico Guzman, and Efren Arpi were sentenced to eight days in jail for illegally obstructing roads and interrupting public services during an April 2010 protest.

On October 25, indigenous leader Marco Guatemal was arrested on misdemeanor charges for illegally obstructing roads during an April 2010 protest. Guatemal was initially charged with terrorism, but the charges were later reduced. A judge dismissed the case on November 10 due to lack of evidence after Guatemal spent 17 days in pretrial detention.

In September 2010 indigenous leaders Pepe Acacho, Fidel Kaniras, and Pedro Mashiant Chamik were charged with terrorism and sabotage for allegedly inciting an indigenous protest that led to the death of Bosco Wisuma in 2009. On February 1, the defendants were detained and transferred to a jail in Quito. On February 8, a judge ruled the detention "illegal and arbitrary" and released the defendants, who

had been fulfilling the terms of their probation. The defendants remained on probation, and the case was pending at year's end.

Freedom of Association.—The law provides for freedom of association, and the government generally respected this right in practice. The government continued mandatory re-registration of domestic organizations based on a 2008 decree. The government implemented new regulations for international NGOs that also included re-registration.

The law provides the government discretion to dissolve organizations (including civil society, foundations, and churches) on multiple grounds, including compromising the interests of the state, not posting the names of all of their members on a public Web site, or not providing access to information requested by the government. NGOs expressed concern that the government could use the collected information to selectively prosecute NGOs that supported groups critical of the government. NGOs also reported harassment with tax and labor inspections.

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, such as the International Organization for Migration, in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

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. Applicants rejected in the refugee process have a legal right to appeal. After appeals are exhausted, they have 30 days to leave the country.

On January 11, the Directorate for Refugees (DR) of the Foreign Ministry added a step in its refugee application process to determine the admissibility of a potential refugee's application. The new step consists of a brief interview of the potential asylum seeker by a DR staff member, after which the DR makes a preliminary determination as to whether the applicant is eligible to apply. Only after admissibility is determined can an applicant be given official status as an asylum seeker.

The registration process frequently took more than a year, particularly in areas outside of Quito. During the application process an applicant does not have the right to work, leaving many asylum seekers vulnerable to labor exploitation and sex trafficking.

Nonrefoulement.—The UNHCR reported six confirmed cases of refoulement during the year.

Refugee Abuse.—The government reported that as of November there were more than 55,000 recognized refugees in the country, the vast majority of whom were Colombian. Refugees were vulnerable to crime, social violence, and gender-based violence. Refugees reported discrimination in employment and housing. Societal stereotypes cast refugees as criminals and prostitutes, and this discrimination affected refugees' ability to assimilate into the local population.

Access to Basic Services.—The law provides recognized refugees and asylum seekers the same access to public health services as citizens. The presentation of any identity document is sufficient to provide access to public educational institutions. However, numerous NGOs asserted that some local school authorities prohibited noncitizen children from enrolling in school. Various NGOs reported that the Civil Registry did not always cooperate in registering refugee children or registering children of refugees born in the country, despite legal requirements to do so.

Durable Solutions.—A small number of refugees in the country were resettled to third countries during the year. Few refugees were able to naturalize as citizens or gain permanent resident status due to the expensive and lengthy legal process required.

Temporary Protection.—The government also provided temporary protection to individuals who may not qualify as refugees and did so for more than 13,000 persons during the year. The government and NGOs provided humanitarian aid and additional services, such as legal, health, education, and psychological assistance, to Colombians recorded as having crossed the border during the year. Most government assistance ended if official refugee status was denied.

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.—On May 7, citizens voted in a national referendum on constitutional changes including reform of the judiciary and ownership and regulation of financial and media institutions, as well as regulatory changes on gambling, animal cruelty, and social security. The referendum was considered free and fair by a small team of observers from the Organization of American States (OAS), but there were delays and irregularities in the vote-counting process. Local observers expressed concern over violations of campaign spending rules.

Elections for offices at all levels of government, including the presidency and the multiparty National Assembly, were held in 2009. OAS and EU observers concluded that the elections were generally free and fair, with local irregularities. Domestic observers also observed elections throughout the country. Although the international and domestic observation teams reported no major fraud, there were some reports of missing or marked ballots, counting and vote-calculation irregularities, and incidents of violence.

Participation of Women and Minorities.—The constitution provides for state-promoted, gender-balanced representation in the public sector, including in the lists of political parties' candidates for the National Assembly and other representative institutions. The law mandates that electoral lists be gender-balanced and structured in an alternating male-female (or vice versa) pattern, both for primary and stand-in candidates.

There were 42 women in the 124-seat National Assembly, 11 women in the 28-member cabinet, and two female secretaries of state with the rank of minister. There were seven Afro-Ecuadorians and indigenous persons in the National Assembly but no Asian-Ecuadorians. There were no Afro-Ecuadorians, Asian-Ecuadorians, or indigenous persons in the cabinet.

Section 4. Official Corruption and Government Transparency

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

The government recognized extensive corruption in the judicial branch and began a process to reform the judiciary. Academics and think tank analysts said that legal cases were not processed unless the police and judicial officials were bribed. There were media reports alleging police corruption and extensive corruption in public contracts and procurement. In June public officials accused the Ministry of Public Health of paying dramatically inflated prices for the purchase of mobile hospitals.

Labor leaders and business owners reported corruption among inspectors (see section 7.d.).

The National Secretariat for Management Transparency is tasked with investigating and reporting public complaints of corruption and with promoting transparent practices in the public administration. The Technical Secretariat for Transparency and the Fight Against Corruption is also responsible for investigating cases of corruption.

On February 1, oil company Chevron filed a Racketeer Influenced and Corrupt Organizations Act lawsuit in a U.S. court against plaintiffs in a multibillion dollar environmental lawsuit then pending against the company in Ecuador. The lawsuit alleged that plaintiffs, lawyers, and consultants in the environmental case manufactured evidence and conspired with judges to obtain a favorable ruling (see section 6, Indigenous People).

On June 9, the First Criminal Court of the National Court of Justice annulled proceedings against two attorneys representing Chevron and seven former government officials related to allegations of fraud in an environmental remediation release agreement between Chevron and the government.

On August 22 and September 20, hearings were held in the case of Juan Xavier Aguinaga, former undersecretary of foreign affairs for the Ministry of the Coast Region, and several notary publics for alleged involvement in the illegal naturalization of Cuban citizens. The case remained pending at year's end.

Government officials are required to declare their financial holdings upon taking office and if requested in an investigation, and all agencies must disclose salary information annually.

The constitution states that all persons have the right to access information about public or private organizations receiving state funds. The law requires all organizations (public and private) that receive public funds to respond to written requests for information, publish specific information on their Web site, and submit an annual report to the Ombudsman's Office that details their compliance with the transparency law. As a result government agencies increasingly put budget information, functions, organizational information, lists of government officers, and official notices on the Internet in addition to responding to written requests. However, requests for information were not always granted in practice, and the government made exceptions, stating that the requested information was not available. Judges did not enforce the legislation requiring the government to release 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 cooperated with the groups but often did not act on their recommendations.

The government began a process to standardize requirements for international NGOs to register and operate in the country, including human rights groups. International NGOs were required to re-register with the government under the new regulations. Some NGOs initially expressed concern that the process would be used to shut down NGOs perceived to oppose the government, but to date no NGO has reported politically motivated sanctions based on the new regulation.

The government used public statements to criticize and attack the credibility of specific international and local NGOs, as well as NGO findings. Government officials, including the president, publicly rejected findings published by the Inter American Press Association (IAPA) and the IACHR's special rapporteur on freedom of expression. The government also refused to meet with IAPA. On June 25, President Correa stated that some NGOs undermine national security.

Government Human Rights Bodies.—The Ombudsman's Office, which the constitution describes as an administratively and financially independent body under the Transparency and Social Control branch of government, focused on human rights problems. As of December the office had 75 lawyers and regularly presented cases to the Prosecutor's Office. The public perceived the Ombudsman's Office as independent, but the office's effectiveness was limited by a lack of resources and personnel.

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

The constitution prohibits discrimination based on race, gender, disability, language, or social status. However, the government did not fully enforce these prohibitions. Women; persons with disabilities; indigenous persons; Afro-Ecuadorians; and lesbian, gay, bisexual, and transgender (LGBT) persons continued to face discrimination.

Women.—Rape and Domestic Violence.—Although the law prohibits violence against women, including within marriage, abuses were widespread. In March 2010 the Ombudsman's Office released a report stating that approximately 83,000 women annually suffered some sort of violence or abuse. The report also noted that 7,000 women were assaulted monthly and that more than 200 women were victims of some sort of violence on a daily basis. According to the government's campaign to stop violence against women, React Ecuador, Sexism is Violence, eight out of 10 women are victims of physical, psychological, or sexual violence at some time in their lives.

The law criminalizes rape and provides penalties of up to 25 years in prison. Under family law spousal rape is considered a type of violence and may be prosecuted under the criminal code. The penalty for rape where death occurred is 12 to 15 years' imprisonment. The Office of the Prosecutor received 5,036 reports of sexual crimes between January and June. The National Police detained 1,285 individuals accused of rape and filed 552 complaints. The Office of the Prosecutor convicted 346 persons of rape between January and October. Many instances of rape and sexual assault were not reported due to the victim's reluctance to confront the perpetrator due to fear of retribution or further violence and social stigma.

The most pervasive violations of women's rights involved domestic and sexual violence. Although prohibited by law, both were widespread and vastly underreported, again due to for fear of retribution, social stigma, and further violence. Although authorities referred many women who reported domestic abuse or sexual crimes to the judicial system, cultural prejudices, financial dependence or lack of financial resources, family pressure, and the victim's fear of testifying at a trial contributed to

a large number of charges against perpetrators being dropped. Between January and June, 2,437 domestic violence complaints were filed.

In April 2010 the government initiated the React Ecuador campaign, which sought to eradicate gender violence by improving the justice system, protecting victims of violence, and raising awareness of violence against women as a human rights violation. A study published by the campaign indicated that in 2009 approximately 64 percent of deaths of women were due to gender-based violence. The second phase of the campaign began in July 2010 and focused on the consequences of domestic violence on children and adolescents.

Governmental joint service centers provided assistance on legal issues, social and medical assistance, and police protection free of charge to victims of domestic and gender violence. According to family law, domestic violence may be punished with a fine for "damages, pain and suffering" ranging in value from $264 to $3,960, depending on the severity of the crime. The law also gives family courts the power to remove an abusive spouse from the home if continued cohabitation creates a risk to the victim of abuse.

Sexual Harassment.—Despite the legal prohibition of sexual harassment, women's rights organizations described harassment in the workplace as common. Between January and June 2010, the national police received 325 reports and complaints of sexual harassment.

Reproductive Rights.—The law acknowledges the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. The law protects the sexual and reproductive rights of women and calls for free prenatal care, family planning services, and cancer screening. According to statistics from U.N. Population Fund (UNFPA), 99 percent of women had skilled attendants present during childbirth in 2009. However, the Ministry of Public Health stated that approximately 62 percent of births to self-identified indigenous mothers took place at home without professional attendants in 2010. According to the UNFPA, the country's maternal mortality rate was 140 deaths per 100,000 live births. Most deaths during pregnancy or childbirth were due to obstetric complications, high blood pressure, eclampsia, infections, or other abnormalities during labor. Additionally, limited access to maternal health care for women residing in rural and remote areas contributed to the high maternal mortality rate.

The Maternal and Child Health Survey reported contraceptive prevalence rates of 39 percent among women and 59 percent among married women. The Population Reference Bureau reported in 2009 that more than 36 percent of modern contraceptive method users received these services through government-sponsored programs. However, the government's Bureau of Standards required special certification on imports of contraceptives, which occasionally resulted in shortages and higher prices.

Discrimination.—The constitution affords women an array of economic, political, and social rights. The law stipulates that the government should formulate and implement policies to achieve gender equality, incorporate a gender focus into plans and programs, and provide technical assistance to implement the law in the public sector.

Although women enjoyed the same legal status as men, women often did not have equal rights in practice. Societal discrimination against women was pervasive, particularly with respect to educational and economic opportunities for older women and for those in the lower economic strata. Women on average earned 39 percent less than men for comparable work. They tended to be employed in the informal sector or as domestic workers and thus enjoyed less stability and earned lower wages. There were fewer women than men employed in professional work and skilled trades. Women's advocates alleged that culture and tradition inhibited achievement of full equality for women. Indigenous women faced triple discrimination on the basis of gender, ethnicity, and reduced economic status.

Children.—Birth Registration.—Citizenship is acquired through birth in the country, birth to an Ecuadorian mother or father abroad, or by naturalization. The Social Registry, the Ministry of Social and Economic Inclusion, and the Child and Family Institute promoted a campaign, Put Your Name Down, that registered approximately 60,000 children throughout the country in 2010. In 2009, according to the Observatory of the Rights of Children and Adolescents, there were 300,000 unregistered children in the country. UNICEF estimated that during the year 15 percent of children under age five in the country were unregistered.

While the law prohibits schools from requesting civil registration documents for children to enroll, some schools, mostly public schools, continued to require these documents. Other government services, including welfare payments and free primary health care, require some form of identification.

Education.—According to the constitution, education is obligatory through ninth grade and free through 12th grade. However, costs associated with school, such as for uniforms and books, and a lack of space in public schools prevented many adolescents from attending school. In some provinces public schools denied entry to students due to a lack of space.

Child Abuse.—According to the government, 21 percent of children suffered some form of sexual abuse in 2009. Projects sponsored by local NGOs reported that children living in the streets, many of whom came from poor indigenous families, suffered from exploitative conditions.

Sexual Exploitation of Children.—The law prohibits child pornography, with penalties of six to 16 years' imprisonment. The age of consent is 14, and the penalty is 16 to 25 years' imprisonment. Commercial sexual exploitation of minors remained a problem. While adult prostitution was legal, brothel owners did not check ages of their employees. As a result, some children worked in prostitution.

International Child Abductions.—The country is 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.—There were no reports of anti-Semitic acts. There was a small Jewish community, including an estimated 250 families in Quito, according to the local synagogue.

Trafficking in Persons.—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, sensory, intellectual, and mental disabilities and grants them priority and specialized care in the public and private sectors. The interagency National Council on Disabilities oversees government policies regarding persons with disabilities. Although the law mandates access to buildings and promotes equal access to health, education, social security, employment, transport, and communications for persons with disabilities, the government did not fully enforce it. The law requires that 4 percent of employees in all public and private enterprises with more than 25 employees be persons with disabilities. In 2010, according to government information, only 35 percent of the 1,532 audited companies complied with this law.

An initiative called Ecuador Without Barriers, led by the vice president of the country, sought to create jobs for persons with disabilities, provided funding to more than 200 municipalities to improve access to public buildings, and opened training and rehabilitation centers. The initiative also monitored the degree of compliance by companies that hire persons with disabilities. In addition to this program, the government was building centers for those considered intellectually disabled. The caregivers of persons with severe disabilities received a government monthly subsidy of $240.

The law directs the electoral authorities to provide access and facilitate voting to persons with disabilities, and international observers commended the government's accommodations for persons with disabilities in the May 7 national referendum.

*National/Racial/Ethnic Minorities.*Afro-Ecuadorian citizens, who account for approximately 7 percent of the population according to the 2010 census, suffered pervasive discrimination, particularly with regard to educational and economic opportunity. The constitution declares the state to be plurinational and affirms the principle of nondiscrimination by recognizing the rights of indigenous, Afro-Ecuadorian, and Montubio (a rural, farming population recognized as an independent ethnic group) communities. It also mandates affirmative action policies to provide for the representation of minorities. A 2009 executive decree calls for all public sector bodies to ensure that "access to labor" reflects the percentage of the population of indigenous persons, Afro-Ecuadorians, and Montubios.

Afro-Ecuadorian organizations noted that, despite the absence of official discrimination, societal discrimination and stereotyping continued to affect them and resulted in barriers to employment, education, and housing. For instance, Afro-Ecuadorians continued to assert that police stopped them for document checks more frequently than they stopped other citizens and that employers often would not interview persons whose job applications carried Afro-Ecuadorian photos.

The Corporation for the Development of Afro-Ecuadorians noted that Afro-Ecuadorians still lacked access to basic education and that the school registration rate for Afro-Ecuadorian children was below the national average.

Indigenous People.—According to the 2010 census, 7 percent of the population self-identified as indigenous. Indigenous organizations estimated that up to 30 percent of the population maintained their indigenous cultural identity and lived in in-

digenous communities. The vast majority of indigenous citizens resided in rural areas, including the highlands and Amazonian provinces. Indigenous persons continued to suffer discrimination at many levels of society and, with few exceptions, were at the bottom of the socioeconomic scale.

The law recognizes the rights of indigenous communities to hold property communally. Land in many cases is titled to the indigenous community. In other cases indigenous groups managed a reserve that the government set aside for biodiversity protection. The government worked with indigenous communities to help them gain titles to their lands.

The constitution grants indigenous persons and communities the right to be consulted and participate in decisions about the exploitation of nonrenewable resources that are located in their lands and that could affect their culture or environment. Indigenous groups claimed that newly passed or proposed laws covering mining, water resources, and hydrocarbon resources did not take indigenous viewpoints sufficiently into account and furthermore intruded upon indigenous autonomy over their lands and resources. Although an April 2010 ruling by the Constitutional Court requires the National Assembly to consult with affected communities on water issues before the legislature can vote on the draft laws, there was no mechanism for consultation.

The constitution allows indigenous persons to participate in the benefits that natural resource extraction projects may bring and to receive compensation for any damages that result. In the case of environmental damage, the law mandates immediate corrective government action and full restitution from the responsible company, although some indigenous organizations asserted a lack of consultation and remedial action.

Indigenous groups lobbied the government and mounted protests in attempts to win a greater share of oil revenues and a greater voice in natural resource and development decisions. Some indigenous leaders faced criminal charges for participating in social protests (see section 2.b.).

Although indigenous persons have the same civil and political rights as other citizens, some of their leaders reported discrimination and prosecution, including discrimination in access to higher education and employment. The constitution strengthens the rights of indigenous persons; it declares the state plurinational, recognizing Kichwa and Shuar as "official languages of intercultural relations," and specifically recognizes indigenous justice. However, the lack of a clearly defined relationship between indigenous justice and the regular justice system led to legal conflicts between the government and indigenous leaders.

Widespread environmental damage, in part due to deforestation and petroleum production, constituted another serious problem. Settlers, including those from other indigenous groups, drug traffickers, and loggers, illegally encroached into indigenous territory. Corrupt local officials, a lack of political will, and divisions among and within indigenous communities undermined indigenous efforts to stop the flow of illegally harvested timber. Small-scale mining, often on the part of indigenous communities themselves, also contributed to serious environmental damage.

On February 14, the Sucumbios Provincial Court ruled against Chevron in a longstanding environmental case brought forward by a number of indigenous communities. The court ordered the company to pay a $9.5 billion award, which was subsequently raised to more than $18 billion. Both parties appealed the ruling. The plaintiffs, representing 30,000 indigenous persons, claimed that their health, welfare, and livelihoods were affected by environmental damage caused by Texaco (later purchased by Chevron).

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The constitution includes the principle of nondiscrimination and establishes choice of sexual orientation as a right. Although the law prohibits discrimination based on sexual orientation, gay, lesbian, and transgender persons continued to suffer discrimination from both public and private bodies. LGBT organizations reported that transgender persons suffered more discrimination because they were more visible. LGBT groups claimed that police and prosecutors did not thoroughly investigate deaths of LGBT individuals, including when there was suspicion that the killing was because of sexual orientation or gender identity.

LGBT organizations and credible media sources reported that LGBT persons were interned against their will in private treatment centers to "cure" or "dehomosexualize" them, although such treatment is illegal. The clinics reportedly used cruel treatments, including rape, in an attempt to change LGBT persons' sexual orientation. In August the government reported that it closed 30 such centers, but LGBT organizations reported that other illegal clinics continued to operate.

Members of the LGBT community continued to report that their right of equal access to formal education was frequently violated. The LGBT population involved in

the commercial sex trade reported abusive situations, extortion, and mistreatment by security forces.

Other Societal Violence or Discrimination.—The constitution specifically prohibits discrimination directed at persons with HIV/AIDS. There was no societal violence against persons with HIV/AIDS. However, NGOs reported that individuals with HIV/AIDS believed they were discriminated against, including on issues such as equal employment opportunities and access to appropriate health care.

Vigilante justice remained a problem. Such violence occurred particularly in indigenous communities and poor neighborhoods of major cities where there was little police presence. On August 1, a so-called community protection group in Azuay Province attacked Jose Belisario R., accusing him of stealing cattle. The mob beat Jose and set him on fire. After police intervened, an ambulance transported Jose to a hospital for treatment.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law provides most private sector workers with the rights to form and join trade unions of their choice, conduct legal strikes, and bargain collectively. The constitution terms worker rights "irrevocable," provides for the right to unionize and strike (except in strategic sectors), and commits state support for democratic unions. Members of the police, the military, and most public sector employees (those who fall under the civil service law) were not free to form trade unions. Most public employees maintained membership in a labor sector association, but such associations are not allowed to strike or bargain collectively. The law requires workers in state enterprises to be represented by a single labor union.

The law requires a minimum of 30 workers for the creation of associations, work committees, or assemblies to organize work committees and does not allow foreign citizens to serve as trade union officers. The International Labor Organization (ILO) considered these requirements impediments to the right to organize. The law prohibits antiunion discrimination and protects strikers and their leaders from retaliation. The law does not require reinstatement of workers fired for union activity but requires compensation and fines. The law prohibits the dismissal of workers from the moment a union notifies the labor inspector of its general assembly until the formation of its first executive board, the legal first steps in forming a union.

All private employers with 30 or more workers belonging to a union are required to negotiate collectively when the union so requests. The large union federations have traditionally been allied with specific political parties, but there is no requirement to do so. The law prohibits the use of discriminatory criteria in hiring. The law prohibits the use of outsourcing, including subcontracting, third party, and hourly contracts, but grants an exemption for outsourcing services that are not an integral part of the company's productive processes.

There were few restrictions on the right of private sector workers to strike, although a 10-day period is required before a strike can be declared. The law allows solidarity strikes or boycotts of three days if the Ministry of Labor Relations approves them. In some industries, during a legal strike workers may take possession of a factory or workplace (thus ending production at the site) and receive police protection during the takeover. In other industries, such as agriculture and hospitality, where workers are needed for "permanent care," the law requires a 20-day waiting period from the day the strike is called, and workers cannot take possession of a workplace. During this time workers and employers must agree on how many workers are needed to ensure a minimum level of service, and at least 20 percent of the workforce must continue to work in order to provide essential services. The law provides that "the employer may contract substitute personnel" only when striking workers refuse to send the number of workers required to provide the minimum necessary services, although in practice this law was not enforced.

The law does not allow the majority of public workers the right to strike. The constitution designates health, environmental sanitation, education, justice, fire fighting, social security, electrical energy, drinking water and sewerage, hydrocarbon production, fuel processing, transport and distribution, public transportation, and post and telecommunications as strategic sectors in which strikes are prohibited. Some of the sectors defined as strategic exceed the ILO standard for essential services. The law includes a provision that striking workers in these sectors are subject to between two and five years' imprisonment. The ILO has repeatedly noted that this law could lead to compulsory labor as punishment for participation in peaceful strikes, a violation of international labor standards.

Government efforts to enforce legal protections of worker rights were often inadequate and inconsistent, sometimes failing to deter employers from retaliating against workers for organizing. The process to register a union, which used to take

only a few days, now takes weeks or longer and is much more complicated, inhibiting union registration. Individual workers may take complaints against employers to the Labor Inspection Office if they are still employed by the firm or to courts charged with protecting labor rights if they are no longer employed by the organization. Unions may also take complaints to a tripartite (union, employer, government) arbitration board established to hear these complaints. Procedures were generally subject to lengthy delays and appeals.

In practice freedom of association and the right to collective bargaining were frequently not respected. There were a number of cases reported in which workers were fired for union activities. There were no reports of physical violence or threats against union leaders or members. However, there were many reports of legal harassment, including charges of terrorism filed by the government against labor leaders for their involvement in strikes or other protest activity.

Outsourcing was common, with union leaders and government employees stating that the government was the most frequent user. Outsourcing was used by the government and private companies to avoid hiring workers with the rights to organize or to bargain even though outsourcing is generally illegal. For instance, banana plantations often outsourced harvesting to short-term companies. When workers there attempted to organize or bargain collectively, the companies employing them dissolved while leaving the original company protected.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor. The government did not effectively enforce the law in all cases. Forced labor of children and adults persisted, with migrants, refugees, and the indigenous being particularly vulnerable, especially women who are members of these groups. There were reports that indigenous children and adolescents were subjected to forced begging and forced labor as domestic servants, and in mining (see section 7.c.). Adult men were victims of forced labor in the agricultural industry. In June 2010 the U.N. special rapporteur on contemporary forms of slavery reported adult forced labor in the palm oil industry and among domestic workers.

The government created a specialized antitrafficking police unit in July. There was no data available on the number of victims removed from forced labor 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 sets the minimum working age for minors at 15 for all types of labor and the maximum hours a minor may work at six hours per day, five days per week. The law lists jobs that are not suitable for children and prohibits minors from working in hazardous conditions, including in agriculture, mines, domestic work, garbage dumps, slaughterhouses, or in jobs requiring exposure to toxic or dangerous substances or loud noises. The law requires employers to pay minors the same wages received by adults for the same type of employment. Penalties for violations of the child labor laws include fines of $50 to $300 for parents or guardians and fines of $200 to $1,000 for employers hiring children younger than 15. An employer's business is subject to closure for repeated infractions.

The Ministries of Labor and of Economic and Social Inclusion and the Minors' Tribunal enforce child labor laws, but enforcement, while improving, remained inadequate. From January to July, the National Directorate of Police for Children and Adolescents received 66 reports of child labor.

In March 2010 the government combined the child labor inspectors with the regular labor inspections force. The Ministry of Labor's Social Service Directorate monitored child labor in factories, but enforcement in most sectors of the economy remained limited. In addition, the Ministry of Mines and Energy had an agreement with the Ministry of Labor Relations that allowed Ministry of Mines' inspectors to enforce child labor laws and impose sanctions for violations found in mines.

In March 2010 the government announced a program, Ecuador without Child Labor, aimed at eliminating all forms of illegal child labor; the program involved multiyear campaigns specifically targeting child labor in garbage dumps, the flower industry, and begging. By December 2010 the government announced that it had practically eradicated child labor in garbage dumps, which the ILO confirmed was largely accurate. The program not only removed children from the dumps but also worked with families to enroll the children in school and provided assistance to families. The program also removed children from the streets and worked to increase awareness of child begging. While begging was reduced through the program, it was still common.

Child labor remained a severe problem in the informal sector. Children were most likely to be found working on banana plantations or as street vendors. Children also

worked in the production of broccoli, sugarcane, and strawberries and were involved in brick making and small-scale gold mining. Forced child labor took the form of involuntary domestic work, forced begging, and forced labor in mines. Some children were forced to engage in criminal activity, such as drug trafficking, and were recruited by Colombian terrorist groups along the northern border.

In urban areas many children under the age of 15 worked in family-owned businesses in the informal sector, shining shoes, or as street peddlers. Other children were employed in messenger services, domestic services, and begging. Children as young as five or six often sold newspapers or candy on the street to support themselves or augment family income.

The National Institute of Statistics and Census found that in 2009, 374,000 children were engaged in labor not permitted by law, primarily working in rural areas or in the informal sector. In 2010 UNICEF estimated the number of child laborers at approximately 340,000.

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 was $264. The official estimate of the poverty level was $72.87 per month. The law limits the standard work period to 40 hours a week, eight hours a day, with two consecutive days of rest per week. Underground workers, such as miners, are limited to six hours a day and may only work one additional hour a day with premium pay. Premium pay is 1.5 times the basic salary for work done from 6:00 a.m. to 12:00 a.m. Work done from 12:00 a.m. to 6:00 a.m. receives twice the basic salary, although workers whose standard shift is at night receive a premium of 25 percent instead. Premium pay also applies to work done on weekends and holidays. Overtime is limited to no more than four hours a day and a total of 12 hours a week. Mandatory overtime is prohibited. Workers are entitled to a continuous 15-day annual vacation, including weekends, plus one extra day per year after five years of service. Different regulations regarding schedule and vacations apply to live-in domestic workers.

The law provides for the health and safety of workers. Health and safety standards are outlined in the labor code. Workers do not have the right to remove themselves from situations that endanger health or safety without jeopardy to their employment. Foreign and migrant workers are subject to the same labor standards.

The Ministry of Labor Relations worked to improve enforcement of labor laws, although violations were common. Enforcement is the responsibility of the Ministry of Labor Relations and the Social Security Department of Hazards. The government had approximately 250 inspectors, who were in charge of enforcing all labor laws, including those for child labor. The Ministry of Labor greatly increased its inspections for labor violations during the year, from 10,000 inspections in 2010 to more than 26,000 in 2011. Enforcement efforts were sometimes hampered by the inexperience of newly hired inspectors and the lower priority placed on child labor by the inspectors.

Labor inspections may be conducted by appointment, although this was uncommon, or after a worker complaint. If a worker requests an inspection and a Ministry of Labor Relations inspector confirms a workplace hazard, the inspector then may close down the workplace. Labor inspections generally occurred because of complaints, not as a preventive measure, and inspectors could not make unannounced visits. In some cases violations were remedied, but other cases were subject to legal challenges that delayed changes for months. In practice penalties were not sufficient to deter violations and were often not enforced.

Various NGOs claimed that complaints by migrants and refugees were rarely investigated. Labor leaders and business owners also claimed corruption was common among the inspectors. In 2010 the Ministry of Labor Relations began implementing reforms aimed at improving labor rights enforcement, including in labor inspections, and it worked to increase the number of workers who are protected by contracts, receiving minimum wage, and registered for social security benefits. A law passed by national referendum in May made it mandatory for employers to register their employees with Social Security and established criminal penalties for noncompliance. The government ran an active campaign to register workers and labor inspectors focused on ensuring that workers had contracts and were registered with Social Security. The campaign included some house-to-house visits by inspectors to interview domestic workers and called employers to hearings if inspectors found a discrepancy with the law. While there were still many people who needed to be registered, there was a dramatic increase in the total number registered since the law's passage in May.

Most workers worked in the large informal sector and in rural areas and were not subject to the minimum wage laws or legally mandated benefits. There were no specific regulations governing health and safety standards in the small-scale agri-

cultural sector. Occupational health and safety issues were more prevalent in the large informal sector. The labor code singles out the health and safety of miners; however, there was no enforcement of safety rules in the small mines that made up the vast majority of enterprises in the mining sector. Migrants were particularly vulnerable to hazardous and exploitative working conditions.

The government acknowledged that the number of on-the-job injuries was seriously underreported. According to the Social Security Institute, Ministry of Labor Relations, and Ministry of Health, approximately 15,000 on-the-job injuries were reported each year. The ILO estimated the true number at approximately 160,000. Safety violations were reportedly common in the banana, palm oil, flower, and gold-mining industries, particularly involving exposure to toxic chemicals. Several intercity bus accidents that resulted in numerous fatalities were partially attributed to a lack of enforcement of limits for drivers' work hours.

In 2010 the U.N. special rapporteur on contemporary forms of slavery reported severe abuses and little government oversight in the palm oil industry, where many workers were Colombian migrants. The abuses included excessive work hours, very low or no wages, and inhumane living conditions. Additional abuses were found in the banana, flower, and small-scale gold-mining industries.

EL SALVADOR

EXECUTIVE SUMMARY

El Salvador is a constitutional multiparty republic. In March 2009 voters elected Carlos Mauricio Funes Cartagena of the Farabundo Marti National Liberation Front (FMLN) as president for a five-year term in generally free and fair elections. Security forces reported to civilian authorities.

The principal human rights problems were widespread corruption, particularly in the judicial system; weaknesses in the judiciary and the security forces that led to a high level of impunity; and violence and discrimination against women.

Other human rights problems included isolated unlawful killings by security forces; lengthy pretrial detention; harsh, overcrowded, and dangerously substandard prison conditions; child abuse and child prostitution; trafficking in persons; violence and discrimination against sexual minorities; child labor; and inadequate enforcement of labor laws.

Although the government took steps to dismiss some officials who committed abuses in the penitentiary system and the police, impunity persisted.

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

a. Arbitrary or Unlawful Deprivation of Life.—During the year there were no verified reports that the government or its agents committed politically motivated killings; however, there were reports that security forces were involved in unlawful killings. During the year the Office of the Ombudsman for Human Rights (PDDH) received seven complaints of alleged unlawful killings. Although the PDDH defines all killings by government personnel as "extrajudicial killings," there were no verifiable reports of deliberate unlawful killings carried out by order of the government or with its complicity. The National Civilian Police (PNC) Office of the Inspector General (OIG) reported that during the year eight PNC officers were accused of homicide and that PNC officers had killed six persons. The OIG also reported that during the year 27 police officers had been arrested under homicide charges. The OIG did not specify whether the crimes were committed while on duty.

On January 27, a military patrol killed two Salvadoran men who were smuggling wood across the border with Honduras; the men reportedly had failed to stop when ordered to do so. On August 11, the San Francisco Gotera Sentencing Court (a civilian court) dismissed charges against nine soldiers. The Third Appellate Court of San Miguel upheld the ruling on appeal.

On March 8, the Inter-American Human Rights Commission (IACHR) filed a complaint before the Inter-American Court of Human Rights regarding extrajudicial killings committed by the Atlacatl Battalion in El Mozote in 1981 during the 1980-92 civil war. In August the court condemned the Salvadoran government for the disappearance of children in El Mozote. On December 10, the foreign minister, on behalf of the government, accepted responsibility for the massacre at a 30th anniversary commemoration at the site of the massacre.

On August 24, the Supreme Court of Justice stated it would not order the arrest of nine former military personnel wanted by Spain in relation to the unlawful killing of six Jesuit priests (five of them Spanish), their maid, and her daughter in

1989. The Supreme Court released the officers because it found the petition had been filed improperly.

b. Disappearance.—There were no reports of politically motivated disappearances. The nongovernmental organization (NGO) Association for the Search for Missing Children (Pro-Busqueda) received 12 new complaints regarding children who disappeared during the civil war. It continued investigating 521 cases and resolved eight other cases by year's end. Pro- Busqueda complained that the government did not comply with Inter-American Court of Human Rights recommendations regarding the investigation and sanctioning of those responsible for the disappearance of children during the civil war.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices. On March 11, the Legislative Assembly amended the law on crimes against humanity to include a specific prohibition on torture.

However, during the year the PDDH received 53 complaints specifically against PNC officers for excessive use of force and 12 against members of the armed forces. It also received 166 complaints of torture and other inhuman or degrading treatment or punishment, and 846 complaints for violations of human integrity, 575 by PNC officers and the rest by armed forces personnel. During the year the OIG reported 75 complaints of torture by PNC officers. The Office of the Attorney General (OAG) reported four allegations that male guards raped women. In December 2010 the OIG filed charges against police officers suspected of involvement. Unlike the preceding year, the OAG did not report any rapes occurring in pretrial detention centers. The Ministry of Defense investigated all cases against members of the armed forces. On August 11, the San Francisco Gotera Sentencing Court (a civilian court) dismissed charges against nine soldiers accused of an extrajudicial killing at the Honduran border.

Prison and Detention Center Conditions.—Prison and detention center conditions remained harsh and dangerous. Overcrowding constituted a serious threat to prisoners' health and lives. In many facilities provisions for sanitation, potable water, ventilation, temperature, and lighting were inadequate. In October 2010 the IACHR termed prison conditions deplorable, stating that there were construction deficiencies that led to safety hazards and a lack of sanitation. Also, the lack of potable water contributed to a high incidence of disease. On June 18, approximately 2,740 inmates in prisons in San Miguel, Ciudad Barrios, La Union, Usulutan, Jucuapa, Gotera, and Chalatenango suffered food poisoning. On July 18, the PDDH stated that the penitentiary system had "collapsed." On October 5, the General Prison Directorate announced that the inmate population had increased 47 percent during the preceding five years.

Prison authorities reported that during the year 48 prisoners died due to natural causes, homicide, and suicide and that 22 prisoners died in prison riots and fights. For instance, on July 1, the Santa Ana Prison director declared a state of emergency after a riot in which three prisoners, two of whom were gang members, were killed and seven others injured.

The Prison Directorate reported that as of December 20, there were 25,294 prisoners, including 2,440 women, held in 21 correctional facilities and two secure hospital wards that have a combined capacity of 8,090. The prison population included 18,139 convicted prisoners and 7,155 inmates held in pretrial detention. Due to prison overpopulation, from June to November, authorities held approximately 2,325 pretrial detainees in small detention centers at police stations that had a combined capacity of 600. This temporary measure caused logistical problems at some police stations that were not prepared to feed inmates for more than 72 hours. The Prison Directorate discontinued the practice before year's end. Due to the lack of holding cells, pretrial detainees in regular prisons often were held together with violent criminals. Men were separated from women within the prisons. There is also a separate women's prison in Ilopango, which was generally clean and allowed the inmates to have children under age five stay with their mothers.

Gang activities in prisons and juvenile-holding facilities remained a serious problem. Detention center facilities held 9,575 inmates who were current or former gang members. Gang members were separated from the regular prison population when possible, but gangs continued to exercise influence within the prisons and judicial system.

There were 655 inmates in four prisons for juvenile offenders with a total capacity of 460 inmates.

Prisoners reportedly conducted criminal activities from their cells, at times with the complicity of prison guards. Smuggling of weapons, drugs, and other contraband such as cell phones and cell-phone chips was a major problem in the prisons. During

the year prison authorities sanctioned 76 guards and did not renew the contracts of 121 others allegedly involved in corrupt activities.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance.

Prison authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Prison authorities investigated such allegations, although investigation results were not always documented in a publicly accessible manner. Through August neither the PDDH nor the Prison Directorate reported any complaints against prison guards. There is no prison ombudsman. The government investigated and monitored prison and detention center conditions and permitted prison-monitoring visits by independent human rights observers, NGOs, and the media. Such visits occurred during the year.

d. Arbitrary Arrest or Detention.—Although the constitution prohibits arbitrary arrest and detention, there were complaints that the PNC arbitrarily arrested and detained persons. During the year the PDDH reported receiving 187 complaints of arbitrary arrest or detention and 129 complaints of illegal detentions.

Role of the Police and Security Apparatus.—The PNC is responsible for maintaining public security and the Ministry of Defense for maintaining national security. The military is tasked with carrying out three public security missions: guarding prisons, securing the international border, and patrolling with the PNC. President Funes authorized the military to provide support for PNC patrols in rural and urban areas and give support to law enforcement agencies. During the year military personnel were assigned to assist the PNC and Prison Directorate, but they do not have arrest authority. Although the government did not indicate a concluding date for the temporary assignment of the military to police duties, the decree authorizing the deployment was scheduled to expire in May 2012.

Inadequate training, lack of enforcement of the administrative police career law, arbitrary promotions, insufficient government funding, lack of a uniform code of evidence, and instances of corruption and criminality limited the PNC's effectiveness. The OIG reported that during the year authorities charged eight police officers with homicide; it also received 964 complaints of alleged police misconduct. The OIG referred 679 of these cases to the OAG and sanctioned 919 officers in response to complaints filed during the year and in prior years. These sanctions included 107officers dismissed for misconduct and 664 suspended without pay. The OIG also administratively arrested 148 police officers. The OAG investigated 364 cases against police officers, resulting in 258 procedures and 10 conviction sentences. Three procedures were resolved through mediation.

On November 16, Director of the National Public Security Academy Jaime Martinez stated that he dismissed 20 police officers for mistreatment of police cadets. On December 6, a PNC chief in San Miguel, Jorge Sanchez Granados, was arrested on fraud charges, following the arrest earlier in the month of 11 other police officers for various crimes.

On May 25, the Constitutional Chamber declared unconstitutional the Legislative Assembly's special committee that investigated PNC Inspector General Zaira Navas.

The OIG reported that most PNC officers and police academy cadets received human rights awareness training during the year, including training by the Salvadoran Institute for the Development of Women (ISDEMU), the Human Rights Institute of the University of Central America, and the Inter-American Institute of Human Rights.

During the year OIG and other organizations, including the Secretariat of Social Inclusion (SIS), provided human rights training to approximately 4,700 police officers.

Arrest Procedures and Treatment While in Detention.—The constitution requires a written warrant for arrest, except in cases where an individual is arrested in the act of committing a crime. In practice authorities apprehended persons with warrants based on evidence and issued by a duly authorized official. The constitution grants detainees the right to a prompt judicial determination of the legality of their detention, and authorities generally respected this right in practice. In general detainees were promptly informed of charges against them.

The law permits release on bail for detainees who are unlikely to flee or whose release would not impede the investigation of the case. The bail system functioned adequately in most cases. Because it may take several years for a case to come to trial, some prisoners were incarcerated longer than the maximum legal sentences for their crimes. In such circumstances detainees could request a Supreme Court review of their continued detention.

On May 25, the Supreme Court dismissed First Penitentiary Surveillance Judge Dora Margarita Gomez because she did not duly process an inmate's petition claiming he was incarcerated beyond the term of his sentence.

The courts generally enforced a ruling that interrogation without the presence of counsel is coercion and that any evidence obtained in such a manner is inadmissible. As a result, PNC authorities generally delayed questioning until a public defender or an attorney arrived. Family members were allowed prompt access to detainees. Detainees generally had prompt access to counsel of their choice or to an attorney provided by the state.

The constitution permits the PNC to hold a person for 72 hours before delivering the suspect to court, after which the judge may order detention for an additional 72 hours to determine if an investigation is warranted. The law allows up to six months for investigation of serious crimes before requiring either a trial or dismissal of the case. In exceptionally complicated cases, the prosecutor may ask an appeals court to extend the deadline for three or six months, depending on the seriousness of the crime. Many cases were not completed within the legally prescribed time frame.

e. Denial of Fair Public Trial.—Although the constitution provides for an independent judiciary, the judiciary suffered from inefficiency, corruption, political infighting, and insufficient resources. Substantial corruption in the judicial system contributed to a high level of impunity, undermining the rule of law and the public's respect for the judiciary. The criminal conviction rate was less than 5 percent. An ineffective public-security strategy, inadequate government funding and training of the PNC, and ineffective senior-level leadership made it difficult to identify, arrest, and prosecute perpetrators of human rights abuses and other crimes, thus diminishing public confidence in the justice system. Intimidation and killing of police officers, crime victims, and witnesses created a climate of fear, complicating investigation of violent crime and other alleged human rights abuses

On June 2, the Legislative Assembly and President Funes approved Decree 743, which limited the independence of the Constitutional Court by requiring that the court's decisions be unanimous. On July 6, the president proposed a series of changes to the Constitutional Procedure Law to further limit the independence of the court. The limitations responded to a series of politically sensitive decisions made by the court in 2010 and 2011 that affected election laws, canceled certain political parties, and allowed independent candidates to run for office. On July 27, following protests from more than a dozen civil society organizations, the Catholic Church, and the IACHR, the Legislative Assembly repealed the decree. However, at year's end, the justices still faced the possibility of impeachment.

The Ministry of Justice operated witness and victim protection programs. According to the PNC, the programs provided protection to 101 persons during the year. However, in practice some judges denied anonymity to witnesses at trial, and gang intimidation and violence against witnesses contributed to a climate of impunity from criminal prosecution. On November 26, the OAG declined to appeal a judge's decision allowing the identity of a protected witness to be revealed. The same day, six relatives of the witness were injured when they were attacked with firearms; two died from their injuries.

On September 14, the PDDH accused the OAG of obstruction of access to justice, violation of due process, and failure to protect constitutional rights in 24 cases.

During the year the Supreme Court investigation unit received 219 complaints against judges, and the court ultimately dismissed two judges and suspended six others. The Supreme Court also submitted three cases to the OAG for investigation of possible judicial corruption. During the year the OAG investigated 50 complaints against prosecutors for misconduct. The investigations resulted in the dismissal of eight prosecutors and the suspension of 30 others.

Trial Procedures.—Although juries were used for specific charges, including environmental pollution and certain misdemeanors, judges decided most cases. By law juries hear only cases that the law does not assign to sentencing courts. After the jury's determination of innocence or guilt, a tribunal decides the sentence.

Defendants have the right to be present in court, question witnesses, and present witnesses and evidence. Although the constitution further provides for the presumption of innocence, protection from self-incrimination, the right to legal counsel, freedom from coercion, access for defendants and their attorneys to government-held evidence relevant to their cases, and government-provided legal counsel for the indigent, these legal rights and protections were not always respected in practice. Although a jury's verdict is final, a judge's verdict can be appealed. Trials are public. The law extends these rights to all citizens.

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

Regional Human Rights Court Decisions.—On August 31, the Inter-American Court of Human Rights reminded the government of its responsibility for the disappearances of children during the civil war and urged the state to investigate the cases and sanction those responsible for the disappearances.

Civil Judicial Procedures and Remedies.—The law provides for access to the courts, enabling litigants to bring civil lawsuits seeking damages for, as well as cessation of, human rights violations. Domestic court orders were generally enforced.

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. Individuals could criticize the government publicly or privately without reprisal, and the government generally did not interfere with such criticism. The law permits the executive branch to use the emergency broadcasting service to temporarily take over all broadcast and cable networks to televise political programming. The president occasionally used this law to highlight his accomplishments.

Violence and Harassment.—On August 13, presidential security staff allegedly detained illegally photojournalist Nilton Garcia after he took photographs of President Funes exiting a shooting range in downtown San Salvador. According to a leading newspaper, security officers detained Garcia for several hours, deleted his photographs, and released him the same day.

Censorship or Content Restrictions.—Although international NGOs generally commented positively on the status of press freedom in the country, newspaper editors and radio directors occasionally discouraged journalists from reporting on topics that the owners or publishers might not view favorably. Government advertising accounted for a significant portion of press advertising income, although exact data on such spending was not available publicly.

Libel Laws/National Security.—On April 15, the IACHR criticized the September 2010 Supreme Court ruling declaringd unconstitutional a section of Criminal Code Article 191 that provided immunity to publishers and owners of media against charges of defamation, slander, and libel. Most media saw this ruling as potentially infringing on freedom of the press. On September 8, the Legislative Assembly amended the criminal code, which had allowed imprisonment for those who commit defamation, slander, or libel, and replaced the punishment with fines. The assembly also added a provision for civil liability for defamation. In addition media publishers and editors are no longer liable for such crimes.

Nongovernmental Impact.—The Salvadoran Journalists' Association noted that journalists reporting on narcotics trafficking were subject to threats and intimidation, which led to media self-censorship in reporting about such trafficking. On April 25, cameraman Alfredo Hurtado was killed while riding a bus in San Bartolo, Ilopango. The PDDH alleged that the killing was a targeted assassination of a police-friendly journalist in a gang-dominated area. Relatives of Hurtado said that he had received death threats from gangs. Police arrested a gang member for homicide on August 31, and the hearing was scheduled for February 2012.

On March 9, a court sentenced 11 gang members to prison for the 2009 murder of French-Spanish filmmaker Christian Poveda.

Actions to Expand Press Freedom.—During the year the Salvadoran Association of Journalists offered training for media professionals on how to handle crises and provided information via social media on attacks against journalists.

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 or attempted to collect personally identifiable information. 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 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 refugee status or asylum, and the government has established a system for providing protection to refugees. As of August the government received 11 refugee petitions and granted two persons full refugee status.

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

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

Elections and Political Participation.—Recent Elections.—In March 2009 FMLN candidate Carlos Mauricio Funes Cartagena won the presidential election, which the Organization of American States and other international observers reported was generally free and fair with few irregularities. During the 2009 elections, as in prior elections, the main opposition political party, ARENA, and the FMLN accused each other of registering voters from other countries under the registration law, which allows a person to register with two witnesses who swear to his/her identity; however, no parties filed any formal complaints after the election.

In the January 2009 legislative elections, described as free and fair by international observers, no party won an outright majority.

Political Parties.—Political parties could operate without restrictions or outside interference. On June 16, the Legislative Assembly passed a law to allow Salvadorans for the first time to vote for individual candidates instead of voting only for parties. On April 29, the Constitutional Chamber canceled El Salvador's oldest political parties, the National Conciliation Party and the Christian Democratic Party. Both parties registered as new political parties with similar logos and colors. The Supreme Electoral Tribunal (TSE) registered nine political parties plus five independent candidates to compete in the 2012 elections. Some independent candidates asserted that the TSE improperly denied their registration, and several reported receiving threats, which caused some of them to drop their candidacies.

Participation of Women and Minorities.—There were 16 women in the 84-member Legislative Assembly, five women on the 15-member Supreme Court, and two women in the 13-member cabinet. No persons on the Supreme Court or in the legislature or other government entities identified themselves as members of an ethnic minority or indigenous community, and there were no political party positions or parliamentary seats designated for ethnic minorities.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials, particularly in the judicial system, engaged in corrupt practices with impunity. The NGO Transparency International in December 2010 reported that government corruption was a serious problem, reflected by public perceptions of corruption in political parties, the police, judicial system, Legislative Assembly, and among public employees.

On July 15, prison authorities dismissed the entire guard force of Quezaltepeque Prison for suspected corruption and implemented new security measures after the discovery of a tunnel built by the M-18 gang.

NGOs, including the Salvadoran Foundation for Economic and Social Development (FUSADES), alleged that the Supreme Court did not adequately deal with corrupt judges and that perceived corruption and weak application of criminal law by judges contributed to a lack of confidence in the judiciary. FUSADES maintained a Web site that makes judicial proceedings and records available to the public.

Public officials were not subject to financial disclosure laws. The Court of Accounts, the Sub-Secretariat for Transparency and Anticorruption, the Anticorruption Unit of the OAG, the Supreme Court Probity Section, and the Government Ethics Tribunal (TEG) share responsibility for combating corruption.

During the year the Ethics Tribunal received 173 complaints involving 347 public officers; it processed 148 cases and submitted 19 to the OAG.

On August 22, online newspaper El Faro alleged that three Legislative Assembly deputies, including one former vice president, owned lands originally set aside for poor rural residents. The OAG began an investigation of a former president of the Salvadoran Institute of Agrarian Transformation for corruption in connection with the case, and the investigation was pending at year's end.

On November 30, the Appellate Court approved the release from house arrest of former minister of health Guillermo Maza, who had been arrested for embezzlement on April 5. PNC Deputy Director Rolando Garcia Herrera was placed under house arrest on August 23 for the same embezzlement case.

Following a year-long investigation, on October 11, the Fifth Court of Instruction issued a warrant for the arrest of former ANDA manager Mario Orellana on charges of laundering more than seven million dollars (the U.S. dollar is the national currency).

On May 18, the Legislative Assembly passed a law aimed at increasing transparency in public acquisitions.

As of August the TEG received 122 ethics complaints against public servants. Investigations resulted in public reprimands for seven government officials and the suspension of four others. To combat public sector corruption, the TEG operated ethics commissions within 79 of the 81 government entities required by law to have them.

On September 7, President Funes approved implementing regulations for the Public Information Access Law, which took effect May 8. The law provides for the right of access to government information. The new law establishes mechanisms to appeal denials. However, local media and NGOs contended that presidential approval of the five commissioners of the Public Information Institute potentially compromises their independence. President Funes had not approved the commissioners by year's end.

Citizens could access via the Internet some information regarding the national budget and certain cases before the Supreme Court. On August 24, FUSADES reported $8.2 million in cash transfers from different executive branch offices for "unforeseen expenses." The transfers did not have Legislative Assembly approval, which the law requires.

The government usually did not give reasons for denying public access to 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. Although government officials generally were cooperative and responsive to these groups, officials at times were reluctant to discuss worker rights issues with NGOs and the PDDH. Domestic and international NGOs were required to register with the government.

Government Human Rights Bodies.—The principal human rights investigative and monitoring body is the autonomous PDDH, whose head is elected by the Legislative Assembly to a three-year term. The PDDH regularly issued reports and press releases on prominent human rights cases. The PDDH enjoyed government cooperation and operated without government or party interference, had adequate resources, and was considered generally effective.

The PDDH maintained a constructive dialogue with the President's Office. The government publicly acknowledged receipt of PDDH reports, although in some cases it did not take action on PDDH recommendations, which are not legally binding.

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

Although the constitution and the legal code provide that all persons are equal before the law and prohibit discrimination regardless of race, gender, disability, language, or social status, in practice the government did not effectively enforce these prohibitions. There was discrimination against women; persons with disabilities; lesbian, gay, bisexual, and transgender (LGBT) persons; and indigenous people. The SIS, headed by First Lady Vanda Pignato, made efforts to overcome traditional bias in all these areas.

Women.—Rape and Domestic Violence.—The law criminalizes rape. While not specifically addressed in the law, spousal rape may be considered a crime if the actions meet the criminal code definition of rape. The law requires the OAG to prosecute rape cases whether or not the victim presses charges, and the law does not permit the victim's pardon to nullify the criminal charge. The penalty for rape is six to 10 years' imprisonment, but the law provides for a maximum sentence of 20 years for rape of certain classes of victims, including children and persons with disabilities.

Incidents of rape continued to be underreported for a number of reasons, including societal and cultural pressures on victims, fear of reprisal, ineffective and unsupportive responses by authorities toward victims, fear of publicity, and a perception among victims that cases were unlikely to be prosecuted. Laws against rape were not effectively enforced.

Rape and other sexual crimes against women were widespread. The OAG reported 2,264 cases of rape and four cases of sexual, physical, and psychological abuses of women by police officers during the year.

On March 28, First Lady and Secretary of Social Inclusion Vanda Pignato inaugurated the first "Ciudad Mujer" service center in Lourdes, Department of La Libertad, intended to provide comprehensive assistance to victims of gender violence. During the year ISDEMU provided health and psychological assistance to 158 women, 389 girls, and13 boys who suffered sexual abuse.

The law prohibits domestic violence and provides for sentences ranging from one to three years in prison. The law also permits obtaining restraining orders against offenders. Domestic violence was considered socially acceptable by a large portion of the population, and, as with rape, its incidence was underreported.

Violence against women, including domestic violence, was a widespread and serious problem. Laws against domestic violence were not well enforced, and cases were not effectively prosecuted. During the year ISDEMU received 3,895 reports of domestic violence and provided medical and psychological assistance to 5,134 individuals for physical abuses, including sexual aggression, domestic violence, child abuse, sexual or labor harassment, commercial sexual exploitation, trafficking in persons, and alien smuggling. ISDEMU also reported 3,789 cases of "psychological abuse."

During the year the PNC investigated 1,752 cases of domestic violence, which resulted in five convictions, 487 trial procedures, and 201 cases resolved through mediation. As of November the OAG reported 594 women had died from violence. In March U.N. Special Rapporteur on Violence against Women Rashida Manjoo asserted that the country's "generalized state of violence" subjected women to murder, rape, domestic violence, sexual harassment, and commercial sexual exploitation.

ISDEMU coordinated with the judicial and executive branches and civil society groups to conduct public awareness campaigns against domestic violence and sexual abuse. The PDDH, OAG, Supreme Court, Public Defender's Office, and PNC collaborated with NGOs and other organizations to combat violence against women through education, increased enforcement of the law, and NGO support programs for victims. The SIS, through ISDEMU, defined policies, programs, and projects on domestic violence and continued to maintain a telephone hotline and a shelter for victims of domestic abuse and child victims of commercial sexual exploitation. The government's efforts to combat domestic violence were minimally effective.

Sexual Harassment.—The law prohibits sexual harassment and provides penalties of imprisonment from three to five years if the victim is an adult and from four to eight years if the victim is a minor. Fines could also be imposed. The government did not enforce sexual harassment laws effectively. Since underreporting by victims of sexual harassment appeared to be widespread, it was difficult to estimate the extent of the problem. ISDEMU reported 101 cases of sexual harassment and 560 cases of sexual aggression. The OAG reported 590 complaints of sexual harassment during the year, of which 254 were brought to trial; 12 of these cases were resolved through mediation, and 39 resulted in convictions.

In June the government launched the Office of Citizen Complaints and Service to provide assistance to female victims of violence and physical abuse. There were no reports by year's end on its activities.

The law defines sexual harassment as any unwanted physical sexual contact and stipulates penalties of three to five years in prison (or four to eight years in cases where the victim is under age 15 at the time of the offense). Fines are added to the prison term in cases where the perpetrator is in a position of authority or trust over the victim.

Reproductive Rights.—Couples and individuals had the right to decide the number, spacing, and timing of children, and information about and access to contraception was available widely. Demographic Health Surveys indicated that 72 percent of married women used some method of family planning. Prenatal care and skilled attendance at delivery were also readily available. The U.N. Population Fund estimated that the maternal mortality rate in 2008 was 110 deaths per 100,000 live births. Poverty, lack of education, and lack of access to a formal medical care system are the major factors contributing to a high maternal mortality rate. Women and men have equal access to diagnostic services and treatment for sexually transmitted infections.

Discrimination.—The constitution grants women and men the same legal rights under family and property law, but women did not receive equal treatment in practice. The law establishes sentences of one to three years in prison for public officials who deny a person's civil rights based on gender, and six months to two years for employers who discriminate against women in the workplace. However, employees generally did not report such violations due to fear of employer reprisals.

Although pregnancy testing as a condition for employment is illegal, some businesses allegedly required female job applicants to present pregnancy test results, and some businesses illegally fired pregnant workers. During the year the Ministry of Labor received 62 complaints regarding illegal firing of pregnant workers, and imposed seven fines totaling $771.

Although the law prohibits discrimination based on gender, women suffered from cultural, economic, and societal discrimination. Men often received priority in job placement and promotions, and women were not accorded equal treatment in traditional male-dominated sectors, such as agriculture and business. Training for women generally was confined to low-wage occupational areas where women already held most positions, such as teaching, nursing, apparel assembly, home industry, and small business.

On September 9, the police director created an internal agency tasked with increasing gender equality within the PNC. Women constituted 9 percent of PNC officers. On September 28, the Legislative Assembly created a new committee on "women and gender equality" and granted official recognition to an autonomous association consisting of female deputies.

Children.—Birth Registration.—Citizenship is derived by birth within the country and from one's parents. The law requires parents to register a child within 15 days of birth or else pay a $2.86 fine. While firm statistics were unavailable, many births were not registered. Failure to register resulted in a denial of school enrollment.

Education.—Education is free, universal, and compulsory through the ninth grade and nominally free through high school. Rural areas frequently fell short of providing required education to all eligible students, due to a lack of resources and because rural parents often withdrew their children from school by the sixth grade to allow them to work.

Child Abuse.—Child abuse was a serious and widespread problem. Incidents of rape continued to be underreported for a number of reasons, including societal and cultural pressures on victims, fear of reprisal against victims, ineffective and unsupportive responses by authorities toward victims, fear of publicity, and a perception among victims that cases were unlikely to be prosecuted. The Salvadoran Institute for Children and Adolescents (ISNA), an autonomous government entity, defined policies, programs, and projects on child abuse, maintained a shelter for child victims of abuse and commercial sexual exploitation, and conducted a violence awareness campaign to combat child abuse. As of September ISNA reported sheltering 598 abused children. During the year the OAG reported 1,254 cases of rape of minors.

Unlike in the previous year, there were no reports that the PNC targeted minors specifically for harassment or arbitrary detention.

Sexual Exploitation of Children.—Sexual exploitation of children remained a problem, and there were credible reports that girls were forced into prostitution. Child sex trafficking is covered under the trafficking-in-persons statutes in the penal code, which prescribe penalties of four to eight years' imprisonment for trafficking crimes. An offense committed against a child is considered as reflecting aggravated circumstance, and the penalty increases by one-third. However, the government did not effectively enforce these laws.

The law prohibits paying anyone under the age of 18 for sexual services. There were credible reports that girls were forced into prostitution. During the year, ISDEMU registered three cases of commercial sexual exploitation of children.

On October 20, a 16-year-old girl reported being forced into prostitution for approximately six weeks. The defendants threatened to harm the victim's family. Two other girls were found at the same brothel.

On November 21, a judge dismissed charges against nine suspects in a trafficking case of a minor who was forced into prostitution.

The law prohibits participating in, facilitating, or purchasing materials containing child pornography and provides for prison sentences of up to 16 years.

The law classifies statutory rape as sexual relations with anyone under 18 years of age and provides for penalties between four and 20 years' imprisonment for those convicted of the crime. During the year the ISDEMU reported 402 cases of sexual abuse, and three cases of sexual commercial exploitation of minors; and the PNC reported 360 cases of rape of persons under 18 and 880 cases of sexual abuse.

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 totaled approximately 150 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 discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services. According to the National Council for Comprehensive Attention to Persons with Disability (CONAIPD), the government did not allocate sufficient resources to enforce these prohibitions effectively, particularly in education, employment, and transportation, and did not effectively enforce legal requirements for access to buildings, information, and communications for persons with disabilities. There are almost no access ramps or provisions for the mobility of persons with sight and hearing disabilities.

Only 5 percent of businesses and no government agency fulfilled the legal requirement of hiring one person with disabilities for every 25 hires.

On March 17, the Legislative Assembly amended the electoral code to allow deaf, blind, and mute people to run as municipal and legislative candidates.

Several public and private organizations promoted the rights of persons with disabilities, including the Telethon Foundation for Disabled Rehabilitation and the Salvadoran National Institute for the Disabled (ISRI). The Rehabilitation Foundation, in cooperation with ISRI, continued to operate a treatment center for persons with disabilities. However, CONAIPD reported that the government provided minimal funding for ISRI. The vast majority of persons with disabilities received care at home by relatives with little or no government support or supervision.

CONAIPD—composed of representatives of multiple government entities—is the government agency responsible for protecting disability rights, but it lacks enforcement power.

There were no reported patterns of abuse in prisons or in educational or mental health facilities, although CONAIPD reported isolated incidents, including sexual abuse, in those facilities.

CONAIPD reported that persons were fired after becoming disabled, persons with disabilities were not considered for work for which they qualified, and some schools would not accept children with disabilities due to lack of facilities and resources. There is no formal system for filing a complaint with the government.

During the year the SIS and CONAIPD conducted awareness campaigns, provided sensitivity training, promoted employment of persons with disabilities, and trained doctors and teachers about rights of persons with disabilities.

Indigenous People.—While the constitution states that native languages are part of the national heritage and should be preserved and respected, the law does not recognize indigenous communities and accords no special rights to indigenous people. Births of indigenous persons were reportedly more likely not to be registered officially, reducing educational opportunities, since school registration requires a birth certificate.

Although few individuals publicly identified themselves as indigenous, members of a few small indigenous communities continued to maintain traditional customs without repression or interference by the government or nonindigenous groups. Government estimates in 2004, the most recent available, indicated that approximately 99 percent of indigenous persons lived below the poverty level.

No laws provide indigenous people rights to share in revenue from exploitation of natural resources on indigenous lands. During the year the PDDH reported that indigenous and nonindigenous communities protested construction of a hydroelectric dam in Nahuizalco. Although the indigenous communities asserted that the dam would destroy a cemetery and negatively impact several species of mollusks and fish in the Sunsunapan River, the Ministry of Environment authorized the dam. The government did not demarcate any lands as belonging to indigenous communities. Because few possessed title to land, opportunities for bank loans and other forms of credit were extremely limited.

On July 6, Nahuizalco enacted the first municipal law recognizing the origin and existence of indigenous persons and their right to practice their customs and beliefs and outlawing all forms of discrimination.

There were no government programs dedicated to combating discrimination against or communicating with indigenous persons. The PDDH reported that indigenous persons faced employment and workplace discrimination.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Although the law prohibits discrimination on the basis of sex-

ual orientation, in practice discrimination was widespread. There was also significant discrimination against transgender persons.

There was widespread official and societal discrimination based on sexual orientation in employment and access to health care and identity documents. The NGO Entre Amigos reported that public officials, including the police, engaged in violence and discrimination against sexual minorities. Persons from the LGBT community stated that the agencies in charge of processing identification documents, the PNC and OAG, ridiculed them when they applied for identification cards or reported cases of violence against LGBT persons. The government responded to these abuses primarily through PDDH reports that publicized specific cases of violence and discrimination against sexual minorities.

On May 13, the SIS's Office of Sexual Diversity announced an awareness campaign and training on LGBT rights. Hundreds of government employees attended the training.

The PDDH reported receiving complaints about the killing of 13 persons from the LGBT community during the first half of the year, compared with two during 2010. On September 18, the Solidarity Association to Promote Human Development of Transsexual, Transgender, and Transvestite Men and Women stated that as of September, the media reported 17 killings; 23 cases of police mistreatment; and injuries to 13 individuals, three allegedly injured by police. They also reported six "hate crimes" and four attacks on LGBT persons.

Other Societal Violence or Discrimination.—Although the law prohibits discrimination on the basis of HIV/AIDS status, in practice discrimination was widespread. Lack of public information and medical resources remained a problem in confronting discrimination against persons with HIV/AIDS or in assisting persons suffering from HIV/AIDS. On May 12, Rolando Cedillos, director of the HIV program in the main national hospital, stated that the government did not allocate enough resources for HIV patients. In 2010 the Ministry of Health reported that 25,530 persons were infected with HIV, of whom 8,000 had AIDS. On December 14, the UNDP reported 1,436 new HIV cases and 73 new AIDS cases. A 2010 UNDP survey reported that 31 percent of persons infected with HIV/AIDS experienced some form of discrimination, including credible reports of denial of public services (such as schooling) and loss of employment. Persons denied entry into the armed forces charged that the military illegally required HIV testing for its soldiers.

On September 21, the Constitutional Chamber of the Supreme Court ordered the Salvadoran Social Security Institute (ISSS) to provide retroviral medicine to an HIV/AIDS patient who had requested it. The ISSS had denied the request because the medication was not commercially available in the country, a regulatory requirement. The court declared that the regulation violated the constitutional right to health.

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 unions, provides for the right to strike, protects the right to bargain collectively in the private and public sectors, and prohibits antiunion discrimination. However, the law places several restrictions on these rights. Military personnel, national police, judges, high-level public officers, and workers who are in "positions of trust" are not permitted to form and join unions. The Labor Code does not cover public workers, who are regulated by the Civil Service Tribunal Law. During the year the Ministry of Labor enforced collective bargaining agreements selectively.

Although unions do not require prior authorization from the government, they must meet certain requirements to be legally registered, and unions must have a minimum of 35 members. The law permits the participation of noncitizens in unions, but requires that union leaders be citizens. On July 7, the Supreme Court of Justice issued an administrative ruling that limited union representatives' labor activities to one day per week. On September 5, the PDDH urged the court to reconsider the ruling, alleging that it violated International Labor Organization (ILO) Convention 151.

The law does not recognize the right to strike for public and municipal employees, or for workers in "essential services." It does not specifically designate which services are considered essential. The law places several other restrictions on the right to strike, including mandating that a strike must be supported by 51 percent of all workers in an enterprise to be legal. In addition unions may strike only to obtain or modify a collective bargaining agreement or to protect professional rights, and must engage in negotiation, mediation, and arbitration before striking. The union must notify the Ministry of Labor about planned strikes and wait four days from

the time the ministry notifies the employer before striking. The law prohibits workers from appealing a government decision declaring a strike illegal.

The law does not require employers to reinstate illegally dismissed workers. The law specifies 18 reasons for which an employer can legally suspend workers, and employers can invoke 11 of these reasons without prior administrative or judicial authorization.

The government did not effectively enforce the laws on freedom of association and the right to collective bargaining in all cases. During the year the Ministry of Labor encouraged the formation of new unions and streamlined the union registration process. The ministry investigated allegations of violations of freedom of association and the right to strike, as well as reports of antiunion discrimination. For instance, the OAG reported that during the year, there were two investigations for violations of freedom of association and the right to strike, and nine cases under investigation for labor discrimination. During the year the ministry imposed 1,363 fines on employers for illegally firing 4,308 workers. Although not required by law, the Ministry of Labor requested some employers to rehire fired workers during the year, basing its requests on ILO Administrative Court rulings. The ministry did not perform inspections in the informal sector. The ministry does not have jurisdiction over public employees, who are governed by the Civil Service Tribunal Law.

Union representatives reported that labor rights were not consistently enforced for public workers, subcontracted workers in the construction industry, security guards, informal sector workers, and migrant workers. Judicial procedures were subject to lengthy delays and appeals.

In practice workers faced challenges in exercising their rights to freedom of association and collective bargaining, including allegations by some unions of government influence on union activities and antiunion discrimination on the part of employers. Unions were independent of the government and political parties, although many were generally aligned with the National Republican Alliance (ARENA), FMLN, or other parties. Some independent unions alleged that the Ministry of Labor interfered with their activities by encouraging the formation of "parallel unions" that supported the FMLN.

The SUTC construction workers union alleged that the Ministry of Labor illegally replaced its union leadership with FMLN supporters by refusing to recognize the results of its January 2011 elections. The ousted SUTC leadership filed a complaint before the Administrative Chamber of the Supreme Court against the ministry, which was pending at year's end. There were also allegations that the ministry improperly revoked the credentials of a leader of the Santa Ana municipal workers union (SITRAMSA). In September the credentials of telecommunication workers union SITCOM and AVX Workers Union SITRAVX were revoked following a court decision that reversed a 2009 court ruling that had permitted them to register. Both unions alleged that the court decisions were due to judicial corruption.

There were reports of antiunion discrimination, including threats against labor union members, dismissals of workers attempting to unionize, and blacklisting. The OAG reported no developments in the investigation of the January 2010 murder of SITRAMSA leader Abel Victorio Vega. There were reports that SITRAMSA workers continued to receive death threats after a 2010 strike that was later declared illegal by the Santa Ana Labor Court. There were also reports factory owners paid union leaders not to unionize in some assembly plants.

In practice workers engaged in strikes regardless of whether legal requirements were met. In October the Ministry of Health threatened to fire health worker union members from Zacamil Hospital (SIMEHZAC) and the Ministry of Health (SITRASALUD) who went on strike to protest inadequate medical equipment, understaffing, and other problems. The unions ended their strike after the dismissal threat.

On March 3, the Federation of Public Workers of El Salvador (FESTRAPRES) alleged that the NEMTEX textile company had illegally dismissed workers who were trying to unionize. In September the Workers Union of the Confecciones Gama apparel assembly company (STECG) alleged that Gama fired workers for engaging in union activities and blacklisted them from obtaining work at other companies by providing personal information regarding the workers to other employers.

b. Prohibition of Forced or Compulsory Labor.—The constitution prohibits forced or compulsory labor except in the case of natural catastrophe and other instances specified by law. In general the government effectively enforced such laws, and the Ministry of Labor reported it had received no complaints of forced labor during the year. However, there were anecdotal reports that some adults were subjected to forced labor in agriculture and in domestic servitude.

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 law prohibits the employment of children under age 14, except that children age 12 and older are allowed to engage in light work on coffee and sugar plantations and in the fishing industry, so long as it does not harm their health or interfere with their education. Children under age 16 are prohibited from working more than six hours per day and 34 hours per week; those under age 18 are prohibited from working at night or in occupations considered hazardous. In August the Ministry of Labor published a list of the types of work considered hazardous and prohibited for children, which includes repairing heavy machinery; using chainsaws; mining; handling weapons, including knives and machetes, handling munitions and inflammable or radioactive substances; fishing and harvesting mollusks; working as stevedores; and working at heights above five feet while doing construction, erecting antennas, and working on billboards.

The Ministry of Labor was responsible for enforcing child labor laws but did so with limited effectiveness. The ministry attributed its limited enforcement to traditional cultural attitudes that support the use of child labor. In practice, the ministry's labor inspectors who were reportedly trained in child labor focused almost exclusively on the formal sector. The ministry reported that when inspectors encountered incidents of child labor, the government removed the victims and placed them in educational programs. During the year the ministry reported that two children had been removed from agricultural activities. The ministry reported it verified that these situations did not reoccur, and that it continued to monitor the area where this work was identified. There was no information on specific investigations or prosecutions. The ministry lacked adequate resources to enforce effectively child labor laws in the agricultural sector, especially in coffee and sugarcane production, or in the large informal sector.

During the year the Ministry of Labor conducted 12 campaigns to raise awareness about child labor. In March the government launched an interagency program to advance its Road Map to eliminate child labor in its worst forms by 2015 and in its entirety by 2020. The government continued to participate in an ILO project to provide educational opportunities to children while offering livelihood alternatives for their families. The Ministry of Education promoted child labor awareness and encouraged school attendance, including by operating 136 after-school programs during the year. The government also incorporated material on combating child labor into its elementary school curriculum.

Child labor remained a serious and widespread problem. The Ministry of Labor reported that during the year the government identified 90,905 minors working in the agriculture sector; 18,559 in manufacturing, commerce, and service industries; and 5,550 in domestic service. According to the 2010 School Registration Census, the most recent available, there were approximately 91,300 child workers, with the largest number engaged in agricultural work. The worst forms of child labor occurred in coffee and sugarcane cultivation, fishing, mollusk shucking, and fireworks production. There were reports of children engaged in garbage scavenging. Orphans and children from poor families frequently worked for survival as street vendors and general laborers in small businesses. Children also worked as domestic servants, and faced long work hours and abuse by employers. Children were subjected to commercial sexual exploitation (see section 6, Children). Children were recruited into illegal gangs to perform illicit activities related to the arms and drug trades, including homicide.

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; the minimum wage is determined by sector. The minimum monthly wage was $224.29 for retail and service employees, $219.40 for industrial laborers, and $187.68 for apparel assembly workers. The agricultural minimum wage was $104.97 per month, although some agricultural workers, including coffee workers, were paid by the amount harvested rather than a daily wage. The government reported that the poverty income level was $183.41 for urban areas and $145 for rural areas.

The law sets a maximum normal workweek of 44 hours, limited to no more than six days, and to no more than eight hours per day, but allows overtime if a bonus is paid. The law mandates that full-time employees be paid for an eight-hour day of rest in addition to the 44-hour normal workweek. The law provides that employers must pay double time for work on designated annual holidays, as well as a Christmas bonus based on the time of service of the employee, and 15 days of paid annual leave. The law prohibits compulsory overtime.

The Ministry of Labor is responsible for setting workplace safety standards, and the law establishes a tripartite committee to review the standards. The law requires all employers to take steps to ensure that employees are not placed at risk to their

health and safety in the workplace. In May 2011 a new workplace safety law took effect, although implementing regulations have not yet been put in place. The law promotes occupational safety awareness, training, and worker participation in occupational health and safety matters. The new law also addresses sexual harassment, violence against women, and other workplace harassment issues. During the year ISDEMU reported 101 cases of sexual harassment and the OAG investigated 590 complaints of sexual harassment.

The law requires that employers provide preventive safety measures, including proper equipment and training, to employees, and a violence-free workplace, in order to reasonably ensure the safety and health of workers. Employers who violate the law can be fined, although penalties were often not sufficient to deter violations, and some companies reportedly found it more cost-effective to pay the fines rather than comply with the law.

The Ministry of Labor reported contradictory information regarding whether workers have the right to remove themselves from hazardous situations without jeopardy to their continued employment. The ministry noted that the government's ratification of ILO Convention 155 provides workers with the right to remove themselves; however, the ministry also reported that workers can be fired for refusing to undertake hazardous work. Employers cannot be compelled to rehire the workers but must compensate them, although workers generally were not informed about this right.

The Ministry of Labor is charged with enforcing the law. The government reportedly enforced effectively the minimum wage law in the formal sector but not in the informal sector, and unions reported that the ministry also failed to enforce the minimum wage for subcontracted workers hired for public reconstruction contracts. The government decreased its inspection force from 210 to 195 during the year. It provided updated training to its inspectors for both occupational safety and labor standards. During the year, the Ministry of Labor reported 15,950 inspections, which resulted in fines for 2,536 employers. There continued to be allegations of corruption among labor inspectors. As of October the ministry had submitted two cases of alleged corruption to the OAG.

The ministry received complaints regarding failure to pay overtime, minimum wage violations, unpaid overtime and unpaid salaries, as well as cases of employers illegally withholding benefits (including social security and pension funds) from workers. During the year, the OAG investigated 47 cases of illegally withheld benefits. The Ministry of Labor reported conducting 507 inspections as of September, resulting in 49 companies sanctioned with fines totaling $8,992.73, mostly due to nonpayment of back wages. In December the ministry recommended that workers from the Royal Textiles Flexiler factory initiate legal proceedings against the factory for workers' social security and pension payments illegally withheld since November 2010.

According to the Ministry of Labor, immigrant workers have the same rights as Salvadorans, but, in practice, the ministry does not enforce these rights. In practice there were reports of overtime and wage violations in several sectors. For instance, from November 24 through 28, the Union of Employees of the Ministry of the Treasury (SITRAMHA) organized a work stoppage in the customs, air, and maritime terminals, alleging they were required to work between 13 and 16 hours per day without overtime pay. Workers sought a collective bargaining agreement, which was under arbitration at year's end. The government reported that, although apparel assembly plants generally respected the laws on overtime, some plants required workers to work extra days in order to meet production goals; however, the workers received incentive pay and overtime. During the year there were no developments in the Hermosa Manufacturing case. Workers in the construction industry were reportedly subject to violations of wage, hour, and safety laws. There were also reports of occupational safety and health violations in other sectors. For instance, on May 25, the former workers of the Record Battery Company demanded that the company pay for their treatment for lead contamination. As of August, the Social Security Institute had provided medical care to 154 workers.

In some cases, the country's high crime rate negatively impacted acceptable conditions of work, as well as workers' psychological and physical health. Some workers, such as bus drivers, bill collectors, messengers, and teachers in high risk areas reported being subject to extortion and death threats.

During the year, the Ministry of Labor reported 125 workplace accidents in 30 companies. The ministry reported that 64 percent occurred at aluminum and glass companies, warehouses, furniture companies, textile and apparel companies, and public institutions. Men (81 percent) suffered more accidents than women (19 percent). Most of the victims were between 18 and 31 years old (63 percent).

GRENADA

EXECUTIVE SUMMARY

Grenada is a parliamentary democracy with a bicameral legislature. In generally free and fair elections in July 2008, the National Democratic Congress won 11 of 15 seats in Parliament, and Tillman Thomas was sworn in as prime minister. Security forces reported to civilian authorities.

Human rights problems included allegations of corruption, violence against women, and instances of child abuse.

The government took steps to punish security force members or other officials who committed abuses, and impunity was not perceived to be 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 political killings, but there were occasions where police killings occurred in the line of duty. The police Criminal Investigation Department (CID), in coordination with the Department of Public Prosecutions (DPP), fully investigates all such killings. After a DPP review, and in cases not involving criminal liability, they are referred to the coroner for an inquest.

In July a prison guard shot and killed a man who was allegedly breaching the fence at Her Majesty's Prison; the DPP concluded there was no criminal liability. In November the police killed a mentally unstable man who attacked an officer with a machete, in which the DPP also found no criminal liability. Both cases were referred to the coroner for further investigation. At year's end the CID, in coordination with the DPP, was investigating the December 26 death of a Canadian-Grenadian citizen whom police allegedly beat while in custody.

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, young detainees claimed occasionally to family and friends that police mistreated them. At year's end the DPP was considering a CID report of an allegation by a complainant of potentially abusive treatment by police. Additional allegations of police mistreatment brought to the attention of the press did not result in complaints to the authorities.

Flogging, a legal form of punishment for sex crimes and assault, was not uncommon.

Prison and Detention Center Conditions.—Prison and detention center conditions did not meet international standards. Overcrowding was a serious problem. In the sole penitentiary, there were 411 prisoners, of whom four were women, held in space designed for 98 persons. Potable water supplied by the water utility normally was available in prison hallways but not in the cells. During the dry season, when the water supply is cut off on occasion, a tank serves as a back-up.

The prison maintained an education program for the inmates, employed a counselor to work with the prison population, and implemented the first phase of a program to work with young prisoners on their reinsertion into society.

Women were held in a separate section of the prison from men. There was no separate facility for juveniles.

Prisoners and detainees had access thrice weekly to visitors. They were permitted to conduct religious observances. Prisoners may raise complaints directly with prison authorities, through their lawyers, or through the government's Prison Visiting Committee. Prisoners relied on the Prison Welfare Officer to make contact with outside institutions.

The Prison Visiting Committee monitors prison conditions. While visits from independent nongovernmental observers would be welcome, there were no such requests during the year.

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

Role of the Police and Security Apparatus.—The country does not have a military. The Royal Grenada Police Force (RGPF) is headed by the police commissioner and encompasses the Coast Guard, the Special Service Unit, the Fire Fighting Unit, and other specialized units. The RGPF is supplemented by 254 rural constables. The RGPF generally was effective at responding to complaints and maintained a community policing program.

The police report to the minister for national security, who is also the prime minister. The police commissioner can discipline officers (up to the rank of sergeant) in cases of brutality with penalties that include dismissal. Only the Public Service Commission can discipline officers with the rank of inspector or above. Civilian au-

thorities maintained effective control over the RGPF, and the government had effective mechanisms to investigate and punish abuse and corruption. In the case of deaths attributed to the RGPF, police conduct the investigations, which the DPP and the coroner review. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in Detention.—The constitution and law permit police to detain persons on suspicion without a warrant, but they must bring formal charges within 48 hours, and this limit generally was respected. In practice detainees were provided access to a lawyer and family members within 24 hours. The law provides for a judicial determination of the legality of detention within 15 days after arrest on a criminal charge. The police must formally arraign or release a detained person within 60 days, and the authorities generally followed these procedures. There is a functioning system of bail, although persons charged with capital offenses are not eligible. Persons charged with treason may be accorded bail only upon the recommendation of the governor general.

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

Trial Procedures.—The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right.

There is a presumption of innocence, and the law protects persons against self-incrimination and requires the police to explain a person's rights upon arrest. The accused has the right to remain silent and to seek the advice of legal counsel. The law allows for a defense lawyer to be present during interrogation and to advise the accused how to respond or not to respond to questions. The accused has the right to confront his accuser and has the right of appeal. There are jury trials in the High Court only; trials are open to the public unless the charges are sexual in nature or a minor is involved.

The court appoints attorneys for indigents only in cases of murder or other capital crimes. In other criminal cases that reach the appellate stage, the court appoints a lawyer to represent the accused if the defendant was not represented previously or reappoints earlier counsel if the appellant can no longer afford that lawyer's services. With the exception of foreign-born drug suspects or persons charged with murder, the courts granted most defendants bail while awaiting trial.

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

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary for civil matters. The civil court system encompasses a number of seats around the country at which magistrates preside over cases.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—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. The independent media were active and expressed a wide variety of views without restriction.

Censorship or Content Restrictions.—The government did not penalize anyone for publishing items counter to government guidelines, but the media practiced occasional self-censorship. In July, local and regional media criticized the Media Workers Association of Grenada for stifling a story about an editor who was arrested for being verbally abusive to a magistrate. Some journalists avoided coverage of Wikileaks-sourced material as a result of legal or political uncertainties regarding its use.

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 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 the single instance where assistance was requested with regard to refugees. In that case, the government awaited a decision by UNHCR regarding a country for resettlement.

Protection of Refugees.—Access to Asylum.—The government has no formal channels for providing protection to refugees or asylum seekers.

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 most recent general elections were held in July 2008, when the National Democratic Congress won 11 of the 15 seats in the House of Representatives, defeating the New National Party, which had governed for 13 years. The Organization of American States led a 25-member election observer mission, which deemed the elections free and fair.

Participation by Women and Minorities.—Two women served in the House of Representatives. Three of the 13 appointed senators were women, including the president of the senate. Three female legislators served as ministers of government. In the civil service, women held 15 of the 19 most senior positions —permanent secretaries.

Section 4. Official Corruption and Government Transparency

Although the law provides criminal penalties for official corruption, the government did not implement the law effectively. Allegations continued to circulate of instances in prior years of corrupt practices by government officials.

Although the government appointed seven persons to a newly established Integrity Commission in 2009 and the commission opened an office, the commission was not operational by year's end.

Anticorruption laws require all public servants to report their income and assets, but the appropriate regulations had not been promulgated by year's end.

There are no laws mandating transparent reporting of political donations or limiting the amount of political donations from outside the country.

Although there is no law providing for public access to government information, citizens may request access to any information that is not deemed classified. However, statistics on government responsiveness to those requests were not available.

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 Human Rights Bodies.—The ombudsman has authority to investigate complaints from persons who object to government actions they deem to be unfair, an abuse of power, illegal, discriminatory, or negligent. The ombudsman submitted his first annual report to Parliament in June stating that two 2010 cases involving formal investigations were resolved positively for the complainants. During the year citizens raised more than 81 cases with the ombudsman, and there were six pending from 2010.

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

The constitution and law prohibit discrimination based on race, place of origin, political opinion, color, creed, or gender, and the government generally upheld these prohibitions.

Women.—Rape and Domestic Violence.—The law criminalizes rape, including spousal rape, and stipulates a sentence of flogging or up to 15 years' imprisonment for a conviction of any nonconsensual form of sex. Authorities referred 64 charges involving rape or related charges for prosecution, and the court convicted 53 persons during the year.

According to women's rights monitors, violence against women remained a serious and pervasive problem. In May, the Domestic Violence against Women Act entered into force, and the government launched a National Protocol on Domestic Abuse and Violence Against Women. The law prohibits domestic violence and provides for penalties at the discretion of the presiding judge based on the severity of the offense. Police and judicial authorities usually acted promptly in cases of domestic violence. Sentences for assault against a spouse vary according to the severity of the incident. A shelter accommodating approximately 12 battered and abused women and their children operated in the northern part of the country, staffed by medical and psychological counseling personnel. Victims and persons seeking to report cases of abuse could contact the Ministry of Social Development and local ministry offices in three parishes and the island of Carriacou. However, domestic violence remained underreported as many women were economically dependent on the perpetrators.

Sexual Harassment.—The law prohibits sexual harassment, but there are no criminal penalties for it, although the government quantified it as a persistent problem. It is the responsibility of the complainant to bring a civil suit against an alleged harasser.

Reproductive Rights.—Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and had access to contraception as well as obstetric and postnatal care. According to U.N. Population Fund estimates, 99 percent of births were attended by skilled health personnel and 52 percent of women aged 15-49 used a modern method of contraception. Women and men had equal access to reproductive health care.

Discrimination.—Women generally enjoyed the same rights as men, and there was no evidence of official discrimination in employment or education; however, women frequently earned less than men performing the same work. Due in part to factors like post-hurricane reconstruction, the poor economy, and high levels of unemployment, women worked in nontraditional fields such as carpentry and construction. Television and radio public service announcements continued to combat spousal abuse and raise women's awareness of their rights.

Children.—Birth Registration.—Citizenship is derived from birth in the country or, if abroad, by birth to a Grenadian parent upon petition. There is universal birth registration.

Child Abuse.—During the year government social service agencies reported 138 cases of physical abuse, including 96 cases of sexual abuse. Two cases of incest went to court. Abused children were placed either in a government-run home or in private foster homes. The law stipulates penalties ranging from five to 15 years' imprisonment for those convicted of child abuse and disallows the victim's alleged "consent" as a defense in cases of incest. The Social Welfare Division within the Ministry of Social Development provided probationary and rehabilitative services to youth, daycare services, and social work programs to families; assistance to families wishing to adopt or provide foster care to children; and financial assistance to the six children's homes run by private organizations.

Sexual Exploitation of Children.—A statutory rape law applies when the victim is 16 years and under. Penalties are 15 years' imprisonment if the victim is less than 14 and five years' imprisonment if the victim is 14 to 16 years of age. No specific laws address child pornography; but the law prohibits the importation, sale, and public display of pornography. The criminal code prohibits sale and trafficking of girls for prostitution, for the production of pornography, or for pornographic performances, but it lacks similar prohibitions that apply to boys.

International Child Abduction.—The government is not a party to the 1980 Hague Convention on International Child Abduction. For country-specific information see http://travel.state.gov/abduction/country/country—3781.html.

Anti-Semitism.—There were no reports of societal abuses or discrimination, including anti-Semitic acts. There was no organized Jewish community.

Trafficking in Persons.—There were no reports that persons were trafficked to, from, or within the country during the year.

Persons With Disabilities.—The constitution and law do not protect job seekers with disabilities from discrimination in employment. Although the law does not mandate access to public buildings or services, building owners increasingly incorporated disabled access into new construction and premises renovation. The government provided for special education throughout the school system; however, most parents chose to send their children to three special education schools operating in the country. Persons with disabilities had full access to the health-care system and other public services, faced no discrimination in access to information and commu-

nication, and suffered no restrictions on the right to vote or to participate fully in civic affairs. The government and nongovernmental organizations (NGOs) continued to provide training and work opportunities for such persons. The Ministry of Social Services includes an office responsible for looking after persons with disabilities, as well as the Council for the Disabled, which reviews disability-related issues.

*National/Racial/Ethnic Minorities.*Approximately 8 percent of the citizens are descendants of individuals who came to the country from India as indentured servants, many of whom found themselves in slave-like conditions. Some complained of residual discrimination based on their origins, although most have intermarried with persons of European or African descent.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law criminalizes consensual same-sex sexual activities, providing penalties of up to 10 years' imprisonment. Police launched an investigation under this law into an allegation of nonconsensual sodomy. Society generally was intolerant of same-sex sexual conduct, and many churches condemned it. Members of sexual minorities generally did not acknowledge openly their sexual orientation. The Grenada Caribbean HIV/AIDS Program (GrenCHAP) participated on the National AIDS Council and served as an advocate for sexual minorities and at-risk populations.

There were no gay pride events. There were no reports of violence linked to sexual orientation. There were no reports that sexual orientation affected employment, housing, statelessness, or access to education or health care. However, persons who were subjected to rumors regarding their sexual orientation complained that their livelihoods were affected.

Other Societal Violence or Discrimination.—It was not uncommon for persons to be shunned by family members or face discrimination in housing and employment when their HIV-positive status became known. According to civil society contacts, fear of disclosing their status prevented some persons with HIV/AIDS from seeking services provided by government or civil society. While the government acted to ameliorate concerns by the public about persons with HIV, it moved less quickly to finalize policies in draft or to act on recommendations provided by the HIV-positive community. The government encouraged citizens to be tested and to get treatment. NGOs such as GrenCHAP and Hope Pals provided counseling to those affected by HIV/AIDS, made recommendations to the government on outreach and policy, and urged local companies to educate themselves and their workers about HIV/AIDS in the workplace and not to discriminate against employees with the disease.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The constitution and law allow workers to form and join independent labor unions, to conduct legal strikes, and to participate in collective bargaining. The law prohibits antiunion discrimination, and it requires employers to recognize a union that represents the majority of workers in a particular business. The law does not oblige employers to recognize a union formed by their employees if the majority of the workforce does not belong to the union. Labor law covers all categories of employees, including domestic workers and migrants.

While essential workers have the right to strike, the labor minister may refer disputes involving essential services to compulsory arbitration. The government's list of essential services is broad and includes services not regarded by the International Labor Organization as essential.

The government generally enforced labor laws in practice. While employers can be forced to rehire employees if a court finds they were discharged illegally, there were no such cases during the year. Employers generally recognized and bargained with unions even if a majority of the workforce did not belong to it. In December, workers called a strike against the brewery, and the employer undertook a cooling off period. At year's end the matter remained unresolved.

While unions were independent of government, some were affiliated with political parties. Although security forces have been deployed to the site of union-led demonstrations, there were no threats or violence against union leaders and their members by the government or employers, and no cases of government interference in union activities

b. Prohibition of Forced or Compulsory Labor.—The government prohibits forced or compulsory labor, excepting court-ordered labor, penal labor, labor while a member of a disciplined force, or in the context of a public emergency, and there were no reports that such practices occurred.

c. Prohibition of Child Labor and Minimum Age for Employment.—The statutory minimum age for employment of children is 16 years. Employment for minors under

18 is permitted so long as certain conditions related to hours, insurance and working conditions set forth in the Labor Code are met. It was common practice for children to undertake summer jobs or for school-leavers to take on part-time employment following secondary school graduation at age 16.

Inspectors from the Labor Ministry enforced the minimum age provision in the formal sector through periodic checks. Enforcement in the informal sector was insufficient, particularly for family farms. The Labor Ministry inspected family farms for child workers upon receipt of child labor allegations.

The labor code does not specifically prohibit the sale or trafficking of children for exploitive 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 schedules set pay by occupation and, in the case of agricultural workers, by sex. The minimum wage for domestic workers, for example, was EC$400 ($148) monthly, while that for a security guard was EC $4.00 ($1.48) per hour.

The law provides for a 40-hour maximum workweek. The law does not stipulate rest periods, although no one can be asked to work for longer than five hours consecutively without a one-hour meal break. In addition, domestic employees may not, by law, be asked to work longer than a 10-hour period without at least two hours of breaks for meals and rest periods. The law requires a premium for work above the standard workweek and prohibits excessive or compulsory overtime. The law mandates paid annual vacation—two weeks in the first year and three weeks thereafter.

The government sets health and safety standards. Workers have the right to remove themselves from dangerous workplace situations without jeopardy to their continued employment.

Enforcement, including wages, hours, occupational safety, and other elements, is the responsibility of the Ministry of Labor's seven labor inspectors. Inspectors examined about 75 percent of eligible sites. The government effectively enforced minimum wages. No violations of the law concerning working hours were brought to the notice of government authorities. The government's enforcement of occupational health and safety standards was inconsistent. The government informally encouraged business to rectify violations without resorting to formal channels for compliance, which have never been used. Labor officers worked with employers in sectors like energy, agriculture, and construction in order to promote appropriate clothing, health checks, and pesticide safety.

During the year the National Insurance Scheme received 501 claims of workplace injury. There were no workplace deaths reported.

GUATEMALA

EXECUTIVE SUMMARY

Guatemala is a multiparty constitutional republic. On November 6, Otto Perez Molina of the Patriot Party (PP) won the presidential election for a four-year term beginning January 2012. International observers considered the election generally free and fair. During the year security forces reported to civilian authorities, although there were instances in which members of the security forces, particularly the police, acted independently of civilian control.

The principal human rights-related problems included widespread institutional corruption, particularly in the police and judicial sectors; police involvement in serious crimes, including unlawful killings, drug trafficking, and extortion; and widespread societal violence, including violence against women and numerous killings, many related to drug trafficking.

The country's human rights problems also included harsh and dangerous prison conditions; arbitrary arrest and detention; failure of the judicial system to ensure full and timely investigations and fair trials; failure to protect judicial sector officials, witnesses, and civil society representatives from intimidation; threats and intimidation against, and killings of, journalists and trade unionists; discrimination against women; trafficking in persons; discrimination against indigenous communities; discrimination on the basis of sexual orientation and gender identity; and ineffective enforcement of labor and child labor laws.

The government increased its efforts to prosecute and punish officials in the security services and elsewhere in the government who committed crimes and abuses. However, impunity for crimes committed by government officials remained a widespread problem.

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

a. Arbitrary or Unlawful Deprivation of Life.—Although there were no reports that the government committed politically motivated killings, members of the police force allegedly committed unlawful killings. Corruption, intimidation, and ineffectiveness within the police force and other institutions prevented adequate investigation of many such killings as well as the arrest and successful prosecution of perpetrators.

The National Civilian Police (PNC) and its Office of Professional Responsibility (ORP) reported they investigated 15 accusations of killings involving 13 PNC agents, who remained under investigation at year's end.

Between March and June, three indigenous persons were killed during the eviction of families from a sugar plantation in Alta Verapaz conducted by police, military, and private security forces. Responsibility for the killings was unclear and investigations by the Public Ministry continued at year's end (see section 6, Indigenous People).

On October 27, PNC officer Alberto Fuentes Gomez was sentenced to 25 years in prison for the extrajudicial killing of Byron Camacho Gomez in September 2010. Two other PNC agents, Benjamin Moises Lopez Baten and Lizardo Florencio Joachin Lopez, were sentenced to three years in prison as accomplices to the crime.

At year's end army major Hugo Leonel Zielke Puac; PNC officials Ernesto Gutierrez Cos, Jairo Manuel Orozco, Osmandi Lopez Fuentes, and Jorge Amilcar Ramirez Cerna; and Korean businessmen Woo Kun Yang and Young Gag Lee remained in prison awaiting trial for the January 2010 killing of Te Paek Soung Kim.

There were no known developments in a number of additional cases pending against PNC officers accused of unlawful killings in 2010.

During the year the Public Ministry arrested several former army officers in connection with their alleged roles in pending cases from the country's armed internal conflict (1960-96). Developments in historical cases during the year included:

On June 17, former chief of the defense staff Hector Mario Lopez Fuentes was arrested on charges of genocide, crimes against humanity, and forced disappearance. Prosecutors claimed that Lopez Fuentes gave the orders that resulted in 12 massacres and the deaths of 317 people between 1982 and 1983 in the Ixil region of the Quiche Department. Retired brigadier general Jose Mauricio Rodriguez Sanchez, the director of military intelligence under Lopez Fuentes, was arrested on October 12 and also charged with these crimes. At year's end both suspects were being held in preventive detention awaiting trial. On October 24, former defense minister Oscar Humberto Mejia Victores, charged with being the intellectual author of a policy of genocide, surrendered to authorities in connection with the Lopez Fuentes and Rodriguez Sanchez cases. However, government medical experts declared the 80-year-old unfit to stand trial due to age-related mental illness. He was being held in a military hospital at year's end.

On August 25, retired lieutenant colonel Carlos Antonio Carias Lopez and Sergeants Reyes Collin Gualip, Daniel Martinez Mendez, and Manuel Pop Sun were each sentenced to more than 6,000 years in prison for crimes against humanity for their participation in the 1982 massacre of 201 civilians at the village of Dos Erres. A fifth suspect in the Dos Erres case, former sergeant Pedro Pimentel Rios, was arrested by authorities on July 12. At year's end Pimentel Rios was in preventive detention awaiting trial.

On December 14, a judge ruled that there was sufficient evidence to try a former military commissioner and four ex-members of the Civilian Auto Defense Patrol for their alleged involvement in the massacre of 256 villagers at Plan de Sanchez, Rabinal, in July 1982. At year's end the five suspects—Lucas Tecu, Julian Acoj Morales, Mario Acoj Morales, Santos Rosales Garcia, and Eusebio Grave Garcia—remained in preventive detention awaiting trial.

There were no developments in the 1993 killing of Jorge Carpio Nicolle; the 1990 "street children case" and the "white van case" of 1987 and 1988; or the killings in 1982 of 177 civilians in Rio Negro, Baja Verapaz.

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

On February 17, the Supreme Court upheld the 2009 conviction of 150 years in prison for former military commissioner Felipe Cusanero for his participation in the forced disappearance of six indigenous persons between 1982 and 1984.

On April 8, retired army colonel Jorge Humberto Gomez Lopez was arrested for his alleged role in connection with the 1984 forced disappearance of student leader and trade union activist Fernando Garcia. Gomez Lopez had been the commander of the unit responsible for Garcia's capture. On June 9, retired army colonel Hector Bol de la Cruz also was arrested for his alleged role in the case. Both Bol de la Cruz and Gomez Lopez were under house arrest awaiting trial at year's end.

On July 26, authorities arrested former police commander Pedro Garcia Arredondo for the 1981 forced disappearance of student Edgar Saenz Calito. Garcia Arredondo remained in preventive detention awaiting trial at year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the constitution and the law prohibit such practices, government agents did not always respect these provisions. There were credible reports of abuse and other mistreatment by PNC members, including abusive treatment of minors in police detention (see section 6, Children). Complaints typically related to the use of excessive force during police operations.

Prison and Detention Center Conditions.—Prison conditions remained harsh and dangerous, and there were multiple instances of killings of inmates by other inmates. The prison system continued to suffer from a severe lack of resources, particularly in the areas of prison security and medical services and facilities. Prisoners complained of inadequate food and often had to pay for additional sustenance. Prison officials reported running shops at three of the national prisons to provide jobs to inmates. Some prisoners worked while incarcerated in order to pay for their basic needs and support families. Prisons had inadequate provisions for sanitation; bathing; ventilation; temperature; lighting; basic emergency, dental, and medical care; and access to potable water. Illegal drug sales and use were widespread. Prison officials reported frequent escape attempts, gang fights, fabrication of homemade weapons, and other manifestations of prisoner unrest. Prisoners reportedly used cell phones to direct criminal activity both inside and outside of prisons, including demanding extortion payments and coordinating kidnappings for ransom and killings of bus drivers and assistants (who were targets for the frequently violent extortion of bus fares, a pervasive problem). The prison guard force of 2,250 was inadequate to control prisoners effectively.

The media and nongovernmental organizations (NGOs) reported that physical and sexual abuse of female and juvenile inmates was a serious problem. Female inmates reported unnecessary body searches and verbal abuse by prison guards. Children under three years of age could live in prison with their mothers, although the penitentiary system provided inadequate food for young children and many suffered from illness. Lesbian, gay, bisexual, and transgender (LGBT) rights groups noted that gay and transgender prisoners often were raped by other prisoners.

Prison overcrowding continued to be a problem. According to the prison system registry, 19 prisons and jails designed to hold 6,974 persons held 12,835 inmates. There were 951 women and 585 juveniles in the national penitentiary system.

On rare occasions male and female detainees in immigration facilities were held together. In Puerto Barrios a prison for men designed to hold 300 inmates held 535 men and 42 women. While the women had separate living quarters, they did not have the same level of access to recreational spaces as the men. Generally, however, conditions for male and female prisoners were comparable throughout the country.

Pretrial detainees sometimes were held in the same prison blocks with the general prison population. On rare occasions juveniles and adults were held together. Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. While the government nominally monitored prison and detention center conditions, authorities did not regularly investigate credible allegations of inhumane conditions or document the results of such investigations in a publicly accessible manner.

The government permitted prison-monitoring visits by local and international human rights groups, the Organization of American States (OAS), public defenders, religious groups, and family members.

The human rights ombudsman does not have authority to serve on behalf of prisoners and detainees to consider such matters as alternatives to incarceration for nonviolent offenders, circumstances of confinement of juvenile offenders, or procedural improvements to ensure prisoners do not serve beyond the maximum sentence for the charged offense. There were no steps taken during the year to improve recordkeeping or to use alternatives to sentencing for nonviolent offenders.

The government's Social Rehabilitation Program assigns a multidisciplinary team to each prison with experts in labor, education, psychology, social work, and medicine. Each team works with inmates to provide them with the necessary skills to reintegrate into their communities. Program officials reported that their effectiveness was hampered by limited resources.

d. Arbitrary Arrest or Detention.—The constitution and the law prohibit arbitrary arrest and detention, but there were credible reports of arrests without judicial warrants, illegal detentions, and failure to adhere to prescribed time limits in legal pro-

ceedings. In practice, arresting officers sometimes failed to bring suspects before magistrates within the legally mandated six-hour deadline, and magistrates sometimes failed to hold a hearing within the legally mandated 24-hour period.

Role of the Police and Security Apparatus.—The 24,600-member PNC, overseen by the Ministry of Government and headed by a director general appointed by the ministry, has responsibility in law and practice for law enforcement and maintenance of order in the country. Civilian authorities generally maintained effective control over the PNC, but the government lacked effective mechanisms to investigate and punish abuse and corruption. There were reports of impunity involving security forces during the year. The PNC remained understaffed, inadequately trained, and insufficiently funded, all of which substantially impeded its effectiveness.

While no active members of the military served in the police command structure, the government continued to employ the military to support police units in response to rising crime. Joint police and military operations under PNC operational control continued in Guatemala City's high-crime neighborhoods and other areas.

Police impunity for criminal activities remained a serious problem. There were credible reports that individual PNC officers and some police units or persons disguised as police officers stopped cars and buses to demand bribes or steal private property and in some cases kidnapped, assaulted, and raped victims. Police and immigration officials reportedly extorted and mistreated persons attempting to enter the country illegally. The PNC routinely transferred officers suspected of wrongdoing rather than investigating and punishing them.

Police threatened persons engaged in commercial sexual activities with false drug charges to extort money or sexual favors and harassed LGBT persons with similar threats. Critics accused police of indiscriminate and illegal detentions when conducting antigang operations in some high-crime neighborhoods. Security officials allegedly arrested and imprisoned suspected gang members without warrants or on false drug charges. There were reports of police involvement in kidnappings for ransom. However, the ORP reported that during the year there were no complaints filed for kidnapping by PNC personnel.

The ORP, which is the mechanism for investigating security force abuse, conducted internal investigations of misconduct by police officers. During the year it reported receiving 1,814 complaints, which included 15 complaints of killings, six forced disappearances, 138 illegal detentions, 68 thefts, 14 rapes, 117 threats, and 323 cases of abuse of authority.

During the year the ORP investigated 1,259 police officers, 95 of whom were subsequently dismissed and 537 of whom were exonerated. The PNC trained 1,667 cadets in human rights and professional ethics. The army required civil affairs officers at each command to plan and document human rights training provided to soldiers. At year's end 7,737 military officers and soldiers had received human rights training, according to the Ministry of Defense.

Arrest Procedures and Treatment While in Detention.—The law requires that a court-issued arrest warrant be presented to a suspect prior to arrest unless the suspect is caught in the act of committing a crime. Police may not detain a suspect for more than six hours without bringing the case before a judge. However, this right was not respected in practice. Detainees often were not promptly informed of the charges filed against them. After a suspect is arraigned, the prosecutor generally has three months to complete the investigation and file the case in court or seek a formal extension of the detention period. The law prohibits the execution of search warrants between 6 p.m. and 6 a.m. unless a state of siege has been declared. The law provides for access to lawyers and bail for most crimes. The government provides legal representation for indigent detainees, and detainees have access to family members. A judge has the discretion to determine whether bail is necessary or permissible for pretrial detainees, depending on the circumstances.

In high-crime areas of Guatemala City, Mixco, and Villa Nueva, the government continued to operate five 24-hour court pilot projects that enhanced the government's ability to comply with legal requirements to bring suspects before a judge within six hours of initial detention, thereby significantly reducing the number of cases dismissed for lack of merit or on technical grounds.

Arbitrary Arrest.—During the year the ORP received 138 accusations of illegal detention. There were no reliable data on the number of arbitrary detentions, although most accounts indicated that police forces routinely ignored writs of habeas corpus in cases of illegal detention, particularly during neighborhood antigang operations.

Pretrial Detention.—Although the law establishes a three-month limit for pretrial detention, prisoners often were detained past their legal trial or release dates. Authorities did not release some prisoners in a timely fashion after completing full sentences due to the failure of judges to issue the necessary court order or other bu-

reaucratic problems. Trial delays often were due to the Public Ministry and courts' lack of resources and staff. The government did not keep statistics on the percentage of the prison and detainee population in pretrial detention or the average length of time detainees were held, including whether this equaled or exceeded sentences for alleged crimes.

e. Denial of Fair Public Trial.—While the constitution and the law provide for an independent judiciary, the judicial system often failed to provide fair or timely trials due to inefficiency, corruption, insufficient personnel and funds, and intimidation of judges, prosecutors, and witnesses. The judiciary was generally independent, although there were reports of ineffectiveness and manipulation in practice. Many high-profile criminal cases remained pending in the courts for long periods, as defense attorneys employed successive appeals and motions.

Judges, prosecutors, plaintiffs, and witnesses continued to report threats, intimidation, and surveillance. During the year the special prosecutor for crimes against judicial workers received 243 complaints of threats or aggression against workers in the judicial branch, compared with 154 in 2010.

The Ministry of Government assigned police officers to the International Commission to Combat Impunity in Guatemala (CICIG) to augment security. The CICIG-vetted prosecutor unit, created by the Public Ministry, continued to be directly supervised by a senior CICIG prosecutor. At year's end CICIG continued its investigation of 27 high-profile cases, prosecutions, and various other cases involving killings of women, bus drivers, and bus assistants; trafficking in persons; and attacks against and killings of unionists and human rights defenders.

There were credible reports of killings of witnesses. At year's end 33 persons were in the Public Ministry's witness protection program.

On February 15, Judge Erick Caceres Rodriguez was killed on his way to court in San Benito, Peten. Marvin Victor Giovanni Cruz was arrested for the killing two days later and sentenced to 25 years in prison on October 26.

On May 24, Assistant Prosecutor Allan Stowlinsky Vidaurre, who had prosecuted a case against members of the Zeta narcotics trafficking organization, was killed in Coban, Alta Verapaz. On June 16, authorities arrested 16 suspects, including PNC agent Victor Omar Guillermo, on charges relating to Stowlinsky's kidnapping and killing. At year's end the trial continued.

The Supreme Court continued to seek the suspension of judges and to conduct criminal investigations for improprieties or irregularities in cases under its jurisdiction. The Judicial Disciplinary Unit investigated 1,223 complaints of wrongdoing and held hearings for 846 complaints during the year, and applied sanctions to several cases, ranging from written notice to 30-day suspension.

Trial Procedures.—The constitution provides for the right to a fair public trial, the presumption of innocence, the right to be present at trial, and the right to counsel in a timely manner. Juries are not used at trials. The government provides at public expense attorneys for defendants facing serious criminal charges, including indigent persons. Defendants and their attorneys have access to government-held evidence relevant to their case. The law provides for plea bargaining and the right of appeal. Three-judge panels render verdicts. The law provides for oral trials and mandates language interpretation for those needing it, in particular the large number of indigenous persons who are not fluent in Spanish, although inadequate government funding limited effective application of this requirement. The Public Ministry utilized 20 interpreters nationwide, including in former conflict areas of the country, and the Office of the Public Defender employed 47 bilingual public defenders in locations where they could also serve as translators.

The Public Ministry, acting semi-independently of the executive branch, may initiate criminal proceedings on its own or in response to a complaint. Private parties may participate in the prosecution of criminal cases as plaintiffs. Lengthy investigations and frequent procedural motions used by both defense and prosecution often led to excessively long pretrial detention, frequently delaying trials for months or years.

Regional Human Rights Court Decisions.—At year's end the government had not responded to an order reissued by the Inter-American Court of Human Rights in December 2010 to investigate fully the 1992 forced disappearance of Efrain Bamaca Velasquez. A Supreme Court hearing to consider reopening the case was scheduled for 2012.

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

Civil Judicial Procedures and Remedies.—Individuals and organizations had access to administrative and judicial remedies to bring lawsuits seeking damages for, or cessation of, a human rights violation or other alleged wrongs. While the judici-

ary was generally impartial and independent in civil matters, it suffered from inefficiency and institutional weaknesses. There were problems in enforcing civil court orders. Some killings resulted from the PNC's failure to enforce restraining orders promptly.

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

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 the Press.—The independent media were active and expressed a wide variety of views without overt government restriction.

Violence and Harassment.—Members of the press claimed that increasing levels of impunity and violence in the country threatened the practice of free and open journalism. The press also complained of threats by organized crime and drug-trafficking organizations, noting that these threats increased journalists' sense of vulnerability.

The Special Prosecutor's Unit for Crimes against Journalists received 34 complaints of attacks and other acts of intimidation against journalists, compared with 13 during 2010.

At year's end there were no arrests for the May 19 killing of reporter Yensi Roberto Ordonez Galdez in Nueva Concepcion, Escuintla. The journalist had allegedly received threats for some of his reporting and had also been the victim of extortion.

At year's end there were no arrests for the April 2010 nearly fatal shooting of journalist Luis Felipe Valenzuela.

Censorship or Content Restrictions.—Some members of the press reported receiving pressure by various public officials regarding the selection and content of their reporting. Some owners and members of the media also accused the government of following a discriminatory advertising policy, particularly with respect to leading print and broadcast media that expressed news or commentary perceived as critical of the president, his administration, the first lady, or public officials and programs.

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 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.

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.

Durable Solutions.—During the year the government received 16 requests for refugee status and accorded asylum or refugee status to 16 persons.

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

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of nearly universal suffrage for those 18 years of age and older. Members of the armed forces and police are not permitted to vote.

Elections and Political Participation.—Recent Elections.—On November 6, Otto Perez Molina of the PP won a four-year term as president. The OAS international observation mission characterized the elections as generally free and fair. The Office of the Human Rights Ombudsman reported 36 killings of political activists or candidates, mostly at the municipal level, during the election cycle. There were few ar-

rests or convictions for such killings, and the actors behind them were generally unknown.

Participation of Women and Minorities.—There were 20 women in the 158-seat Congress. A total of 343 women served as judges nationwide, including one on the Supreme Court and one on the Constitutional Court. In October a woman was elected to serve a one-year term as president of the Supreme Court. There were no women in the 13-member cabinet. Six of the country's 333 mayors were women.

Despite a sizable indigenous population, there were no indigenous cabinet members or Supreme Court justices. There were 113 indigenous mayors and approximately 20 indigenous members of Congress.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption. The government did not implement the law effectively, however, and officials frequently engaged in corrupt practices with impunity. There was substantial corruption within the police and judiciary.

Government corruption was widely perceived to be a serious problem. The Public Ministry continued to prosecute for corruption former vice president Reyes Lopez and other senior members of previous governments.

On January 11, former minister of government Raul Velasquez surrendered to authorities for his alleged involvement in a scheme to embezzle 52 million quetzales ($6.7 million) in gasoline coupons for PNC patrol units. Former secretary of presidential administrative affairs Juan Carlos Leal Medina was arrested on May 20 for his alleged participation in the case. Both officials remained in preventive detention awaiting trial at year's end.

On May 9, former minister of defense and former minister of government Eduardo Arevalo Lacs was acquitted of embezzlement charges.

At year's end several former government officials were under arrest, awaiting trial, or were fugitives from justice on corruption-related charges involving refurbishing the Fraijanes II Detention Center.

In May 2010 authorities arrested Oscar Humberto Andrade Elizondo, Ricardo Gustavo Maldonado Ortega, and Ricardo Alfonso Lancerio Ignacio from the Foundation for Development and Technology (Fundtech) on suspicion of stealing 17 million quetzales ($2.2 million). In September 2010 authorities arrested Rodrigo Lainfiesta on fraud and money-laundering charges, and former Office of the Comptroller General auditors Fernando Rodriguez Trejo, Francisco Javier Alvarado, Carlos Enrique Lopez Gutierrez, Luis Alvarez Pereira, and Francisco Villatoro for involvement in alleged corrupt activities with Fundtech. Authorities were also investigating former ministers of government Raul Velasquez and Salvador Gandara in relation to the case.

On August 26, the Constitutional Court upheld the U.S. request to extradite former president Alfonso Portillo on charges of conspiracy to commit money laundering. On November 15, President Alvaro Colom announced that he would uphold the court's decision to extradite. At year's end the Public Ministry was awaiting the outcome of its appeal of Portillo's May 9 acquittal for embezzlement charges in Guatemala.

Public officials who earn more than 8,000 quetzales ($1,024) per month or who manage public funds are subject to financial disclosure laws overseen and enforced by the Controller General's Office. Lack of political will and widespread impunity facilitated government corruption.

The law provides for the right of citizens to access public information and establishes fines for government agencies that obstruct such access. In practice the government granted access to public information for citizens and noncitizens, including foreign media, although at times it provided access in a slow and incomplete manner. There is no formal mechanism to appeal denials of requests. However, petitioners often successfully appealed to the Office of the Human Rights Ombudsman for assistance relating to a government denial of public 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 somewhat cooperative and responsive to their views.

A number of NGOs, human rights workers, and trade unionists reported threats or intimidation by unidentified persons, many of which they asserted had links to organized crime and private security companies, and complained that the government did little to investigate these reports or prevent further incidents.

The Office of the Special Prosecutor for Human Rights opened new cases involving anonymous telephone or written threats, physical assaults, and surveillance of workplaces, residences, and vehicular movements. The majority of such cases remained pending for lengthy periods without investigation or languished in the court system.

The NGO Guatemalan Human Rights Defenders Protection Unit (UDEFEGUA) reported 19 killings of human rights defenders during the year. UDEFEGUA also reported 402 attacks against human rights defenders during the year, a 33 percent increase from 2010. According to UDEFEGUA, many of the attacks were related to conflicts over land and the exploitation of natural resources.

At year's end no one had been arrested in connection with the 2010 killings of Evelinda Ramirez Reyes, president of the NGO Resistance Front in the Defense of Natural Resources (FRENA), or FRENA member Octavio Roblero.

U.N. and Other International Bodies.—The Office of the U.N. High Commissioner for Human Rights maintained an office in the country; it advised and assisted the government and monitored the human rights situation. The government cooperated with the office and other international organizations, including CICIG.

Government Human Rights Bodies.—The Office of the Human Rights Ombudsman reports to Congress and monitors the human rights set forth in the constitution. The ombudsman operated without government or party interference, had the government's cooperation, and issued reports and recommendations that were made public, including an annual report to Congress on the fulfillment of its mandate. The office did not have adequate resources. The public generally questioned the ombudman's effectiveness.

The President's Commission on Human Rights (COPREDEH) is charged with formulating and promoting the government's human rights policy, representing the government before the Inter-American Commission on Human Rights (IACHR), and negotiating amicable settlements in cases before the Inter-American Court of Human Rights. COPREDEH also led coordination of police protection for various human rights and labor activists during the year. COPREDEH enjoyed the government's cooperation and operated without government or party interference. It did not have adequate resources but was considered reasonably effective and had the trust of the public.

The Congressional Committee on Human Rights drafts and provides advice on legislation regarding human rights matters. By law all political parties represented in Congress are required to have a representative on the committee. NGOs reported that they considered the committee to be an effective public forum for promoting and protecting human rights. The committee was not independent of party or government influence.

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

The constitution and the law prohibit discrimination based on race, gender, disability, language, or social status. In practice the government frequently did not enforce these provisions due to inadequate resources, corruption, and a dysfunctional judicial system.

Women.—Rape and Domestic Violence.—The law criminalizes rape, including spousal rape and aggravated rape, and sets penalties between five and 50 years in prison. The law also establishes penalties for physical, economic, and psychological violence committed against women because of their gender. However, the government did not enforce the law effectively.

Rape and other sexual offenses remained serious problems. According to the Public Ministry, 3,922 cases of rape were reported during the year. At year's end 10,526 additional cases of sexual abuse and other forms of physical violence were reported, according to the judiciary, PNC, and Institute of Public Defense.

Police had minimal training or capacity to investigate sexual crimes or assist victims of such crimes. The government maintained the PNC's Special Unit for Sex Crimes, Office of Attention to Victims, Office of the Special Prosecutor for Crimes against Women, and a special unit for trafficking in persons and illegal adoptions within the Special Prosecutor's Office for Organized Crime. Rape victims frequently did not report crimes due to lack of confidence in the justice system and fear of reprisals.

Violence against women, including domestic violence, remained a serious problem. The law prohibits domestic abuse, provides for the issuance of restraining orders against alleged aggressors and police protection for victims, and requires the PNC to intervene in violent situations in the home. In practice the PNC often failed to respond to requests for assistance related to domestic violence. Women's groups

commented that few officers were trained to deal with domestic violence or assist victims.

The Institute of Public Criminal Defense continued to provide free legal, medical, and psychological assistance to victims of domestic violence. At year's end the project had attended to 12,956 cases of domestic violence.

The government's Program for Prevention and Eradication of Intrafamily Violence, under the Secretariat of Social Work, reportedly received on average five calls daily from battered women and children via its three emergency hotlines. At year's end the Public Ministry reported that it received more than 15,171 complaints of violence against women and children, including domestic violence and economic violence. Of the 14,448 complaints of sexual crimes, the government reported 477 convictions at year's end.

Justices of the peace issued an unspecified number of restraining orders against domestic violence aggressors and ordered police protection for victims. Full investigation and prosecution of domestic violence and rape cases took an average of one year. Although the law affords protection, including shelter, to victims of domestic violence, in practice there were insufficient facilities for this purpose.

The Office of the Ombudsman for Indigenous Women within COPREDEH provided social services for victims of domestic or social violence, as well as mediation, conflict resolution, and legal services for indigenous women. The office also coordinated and promoted action by government institutions and NGOs to prevent violence and discrimination against indigenous women but lacked human resources and logistical capacity to perform its functions on a national level. The office does not maintain statistics on the cases it handles.

Femicide affected both women and girls and continued to be a serious concern. In most killings, sexual assault, torture, and mutilation were evident. The PNC reported 632 killings of women during the year. There were few convictions for such cases, and NGOs noted that the severity of sentences was not always appropriate to the crime.

The Ministry of Government continued to operate eight shelters for victims of abuse in departments with the greatest incidence of domestic violence. The centers provided legal and psychological support and temporary accommodation. The Institute of Public Criminal Defense hotline to assist female victims of physical violence received 59,613 calls during the year.

A Guatemala City women's shelter for victims of violence continued to operate with capacity to house 20 victims and their families for six months at a time. There were also two other shelters for women and their children, with a capacity to house 40 persons each, in Guatemala City and Quetzaltenango. The government and foreign donors provided funding for these three shelters. An unknown number of smaller private shelters operated in the countryside.

Sexual Harassment.—The law does not prohibit sexual harassment, and there were no accurate estimates of its incidence. Human rights organizations reported, however, that sexual harassment was widespread, especially in industries in which the workforce was primarily female, such as the textile and apparel sectors. Sexual harassment was also a problem in the police force.

Reproductive Rights.—Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of children, free from discrimination, coercion, and violence. The government provided access to family planning information and sex education through the public health system. The U.N. Population Fund (UNFPA) reported that 34 percent of women used modern contraceptives.

Cultural, geographic, and linguistic barriers existed in access to reproductive health care, particularly for indigenous women in rural areas. Discriminatory attitudes among health-care providers and a lack of culturally sensitive maternal health services also deterred many indigenous women from accessing these services. The UNFPA estimated that the maternal mortality rate was 110 deaths per 100,000 live births. The principal causes of maternal mortality included limited access to skilled health-care attendants and, in some instances, poor prenatal and postnatal care. The National Survey on Infant and Maternal Health reported that between 2008 and 2009, among women who received prenatal care, 63 percent of rural women used services at home or from a traditional midwife, and 76 percent of urban women went to clinics or hospitals. The UNFPA estimated that only 41 percent of births during the year were attended by skilled personnel. Women and men had equal access to diagnosis and treatment for sexually transmitted infections.

Discrimination.—While the law establishes the principle of gender equality, in practice women faced job discrimination and were less likely to hold management positions. Women were employed primarily in low-wage jobs in agriculture, retail businesses, the service sector, the textile and apparel industries, and the govern-

ment. Women were more likely than men to be employed in the informal sector, where pay and benefits generally were lower. Women may legally own, manage, and inherit property on an equal basis with men, including in situations involving divorce.

The government's Secretariat for Women's Affairs advises the president on interagency coordination of policies affecting women and their development. The secretariat's activities included seminars, outreach, and providing information on discrimination against women.

Children.—Birth Registration.—Citizenship is derived by birth within the country's territory or from one's parents. The Office of the U.N. High Commissioner for Refugees reported problems in registering births, especially in indigenous communities, due to inadequate government registration and documentation systems. Factors such as the need to travel to unfamiliar urban areas, interact with nonindigenous male government officials, and speak Spanish inhibited some indigenous women from registering themselves and their children. Lack of registration sometimes restricted children's access to public services.

Child Abuse.—Child abuse remained a serious problem. The Unit of Adolescent and Child Victims of the Special Prosecutor's Office for Women investigated cases of child abuse but did not report on its cases. The judiciary reported a total of 262 cases of child abuse, 204 of which resulted in convictions. Many children left home after being abused.

The Secretariat of Social Welfare, with oversight for children's treatment, training, special education, and welfare programs, provided shelter and assistance to children who were victims of abuse but sometimes placed children under its care in shelters with juveniles who had criminal records. The government operated a girls' shelter in Antigua and a boys' shelter in San Jose Pinula. Two other shelters in Quetzaltenango and Zacapa served both boys and girls. The government devoted insufficient funds to shelters, and authorities often preferred to send juveniles to youth shelters operated by NGOs.

Child Marriage.—The minimum legal age for marriage is 16 for boys and 14 for girls with parental consent and 18 without it. There were credible reports of forced early marriages in some rural indigenous communities. There were no reported government efforts to combat child marriage.

Sexual Exploitation of Children.—Child prostitution and child sex tourism remained problems, with credible reports of child sex tourism in Antigua, Guatemala City, and the Solola Department. The minimum age of consensual sex is 18. The law provides sentences ranging from 13 to 24 years in prison, depending on the victim's age, for sex with a minor. The law also prohibits child pornography and establishes penalties of six to 10 years in prison for the production, promotion, and selling of child pornography and two to four years' imprisonment for possession of it.

The Human Rights Ombudsman's Office reported 26 ongoing cases of child prostitution. The Office of the Attorney General reported no convictions in cases of child prostitution during the year.

Displaced Children.—Criminals often recruited street children, many of whom were former victims of domestic abuse, for purposes of stealing, transporting contraband, prostitution, and illegal drug activities. According to the Public Ministry and PNC, approximately 3,000 youth were involved in street gangs. The NGO Mutual Support Group reported that 55 minors suffered violent deaths nationwide between January and October. NGOs dealing with gangs and other youth reported concerns that street youth detained by police were subject to abusive treatment, including physical assaults.

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 population numbered approximately 2,000 persons.

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

Persons With Disabilities.—The constitution contains no specific prohibitions against discrimination based on physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services or other areas. The law, however, mandates equal access to public facilities and provides some other legal protections. In many cases persons with physical and mental disabilities did not enjoy these rights, and the government devoted few resources to addressing the problem. The law does not mandate that persons with disabilities have access to information or communications. The National Council for Persons with Disabilities reported that few of the country's persons with disabilities

attended educational institutions or held jobs. The council, composed of representatives of relevant government ministries and agencies, is the principal government entity responsible for protecting the rights of persons with disabilities. It met regularly to discuss initiatives and had a budget of five million quetzales ($640,000).

There were minimal educational resources for persons with special needs, and the majority of universities did not have accessible facilities for persons with disabilities.

On December 10, a group of 35 persons with disabilities protested at the Urban Transport (Transurbano) headquarters in Guatemala City over the lack of accessible public transportation in the country. Transurbano's spokesperson dismissed the protesters as misinformed.

The National Hospital for Mental Health, the principal health provider for persons with mental illness, lacked basic supplies, equipment, hygienic living conditions, and adequate professional staffing.

Indigenous People.—Indigenous persons from 22 ethnic groups constituted an estimated 43 percent of the population. The law provides for equal rights for indigenous persons and obliges the government to recognize, respect, and promote their lifestyles, customs, traditions, social organizations, and manner of dress. Indigenous communities were not regularly consulted on or able to participate in decisions affecting the exploitation of resources in their territories, including energy, minerals, timber, or other natural resources.

Maya indigenous communities reported a lack of infrastructure in their communities, including poor roads and limited access to running water and electricity. Maya and Garifuna indigenous persons reported the need for schools with bilingual education and cultural studies, educational scholarships, leadership training in order to increase indigenous persons' participation in politics, and the construction of universities (not just extension campuses), hospitals, and health clinics in their communities.

Indigenous representatives voiced concerns that a number of regional development projects not only lacked consultation with local communities but also were used to enrich corrupt local officials and political cronies, with few benefits returning to indigenous groups.

In May 2010 the IACHR issued precautionary measures recommending the suspension of operations at the Marlin Mine, a gold mine in San Marcos, due to environmental concerns. However, Goldcorp, the Canadian firm that owned the mine, continued operations through the year, while the government provided additional information to the IACHR in an effort to seek a change in the precautionary measures. After reviewing information provided by the parties, the IACHR issued new precautionary measures on December 14 that, if fulfilled, could allow for the lifting of the suspension.

Although some indigenous persons attained high positions as judges and government officials, they generally were underrepresented in politics and remained largely outside the country's political, economic, social, and cultural mainstream due to limited educational opportunities, poverty, lack of awareness of their rights, and pervasive discrimination. While the indigenous population increased its political participation, some civil society representatives questioned whether such participation had resulted in greater influence in the national political party structure. Indigenous lands often were not effectively demarcated, frequently making problematic the formal recognition of titles to land they occupied or claimed. Indigenous rights advocates asserted that continuing lack of sensitivity by security authorities to indigenous cultural norms and practices engendered misunderstandings, and they complained that few indigenous police officers worked in their own ethnic or linguistic communities.

In March a week-long government operation to evict an estimated 500 indigenous families from a former sugar plantation in the department of Alta Verapaz resulted in the death of Antonio Bev Ac, injury of several others, and destruction of crops and makeshift houses. On May 21, Oscar Reyes was killed in a confrontation with private security guards of the Chabil Utzaj Sugar Company that was reportedly related to the eviction. On June 4, unknown gunmen killed community leader Maria Margarita Chub Che, also apparently in connection with the eviction. At year's end no one had been arrested in connection with the three killings.

Many indigenous persons were illiterate, and approximately 29 percent did not speak Spanish, according to the 2006 National Statistics Institute National Survey of Life Conditions report, the latest data available. While the average nonindigenous child from seven to 17 years of age had received 4.4 years of schooling, indigenous children of the same age range had received an average of 3.7 years, according to the same report. More than 50 percent of indigenous women over the age of 15 were illiterate, and a disproportionate number of indigenous girls did not attend school.

According to the Ministry of Education, approximately 82,970 preschool- and kindergarten-age indigenous children were enrolled in Spanish-indigenous language bilingual education programs.

The Department of Indigenous People in the Ministry of Labor, tasked with investigating cases of discrimination and representing indigenous rights, counseled indigenous persons on their rights; however, limited resources hindered the department's effectiveness.

Legally mandated court interpreters for criminal proceedings were rarely available, placing indigenous persons arrested for crimes at a disadvantage due to their sometimes limited comprehension of Spanish. There were 118 judges who spoke Mayan languages among the 536 tribunals in the country. There were 72 court interpreters, including 52 bilingual Mayan speakers, and the Supreme Court reported that the judicial system had 914 employees who spoke indigenous languages. However, in many instances bilingual judicial personnel continued to be assigned to areas where their second language was not spoken.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—LGBT rights groups alleged that members of the police regularly waited outside clubs and bars frequented by LGBT persons to demand that those engaged in commercial sexual activities provide protection money or pay police to avoid being put in jail. Police often harassed male sex workers, many of whom were minors, as well as transgender sex workers. According to LGBT rights groups, gay men and transgender persons experienced police abuse frequently because of their visibility and the number of places in which they were known to socialize.

A lack of trust in the judicial system and a fear of further harassment or social recrimination discouraged victims from filing complaints. There was general societal discrimination against LGBT persons in access to education and health care, employment, and housing. The government undertook minimal efforts to address this discrimination; however, cooperation between the LGBT community and the government improved modestly over the course of the year through the establishment of three government health clinics for LGBT persons.

On February 24, Victor Jose Cruz, a transgender person, was shot and killed in Quetzaltenango. On July 18, the body of a man dressed in women's clothing was found in Guatemala City. Police failed to investigate both cases, and there were no arrests in connection with either by year's end.

LGBT rights groups reported that when bodies of LGBT persons were found, the victim's genitals were often mutilated and insults were written on the body or burned on the skin.

Other Societal Violence or Discrimination.—The law does not expressly include HIV/AIDS status among the categories prohibited from discrimination, and there was societal discrimination against persons with HIV/AIDS.

According to PNC statistics, vigilante mobs (most often in rural indigenous communities) killed 44 persons and injured 21 in lynchings and attempted lynchings during the year. Targets were often individuals suspected of rape, kidnapping, theft, or extortion. Many observers attributed the lynchings to public frustration with the failure of police and judicial authorities to provide security and to the emergence of local citizen-security groups. In many instances PNC agents refused to intervene due to fear for their own safety.

On October 4, Luis Gilberto Tian disappeared, allegedly at the hands of an 80-person vigilante organization in Panajachel, Solola; the motive was unclear. On October 31, Juan Manuel Ralon Solorzano and Victor Manuel Anleu Mogollon, two of the alleged leaders of the group, were arrested on charges of illegal detention and causing serious bodily harm. A third suspect wanted on the same charges, Manuel Santiago Cululen Cumes, remained at large at year's end.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law provides all workers, with the exception of security force members, the right to form and join trade unions of their choice and allows workers to conduct legal strikes and bargain collectively. The law places some restrictions on these rights. For instance, legal recognition of a new industry-wide union requires that the membership constitute a 50 percent-plus-one majority of the workers in an industry and restricts union leadership to citizens.

By law a strike must have the support of 51 percent of a company's workforce. The president and cabinet may suspend any strike deemed "gravely prejudicial to the country's essential activities and public services." The government defined "essential services" more broadly than international standards, thus denying the right to strike to a large number of public workers, such as those working in education, postal services, transport, and energy production, transportation, and distribution.

Public employees and workers in sectors deemed essential may address grievances by means of mediation and arbitration through the Ministry of Labor's General Inspectorate of Labor and also directly through the labor courts.

The law prohibits employer retaliation against strikers engaged in legal strikes. However, employers may suspend or fire workers for absence without leave if authorities have not recognized a strike as legal. The law calls for binding arbitration if no agreement is reached after 30 days of negotiation.

A factory or business owner is not obligated to negotiate a collective bargaining agreement unless at least 25 percent of workers in that factory or business are union members and request negotiations. The law prohibits antiunion discrimination and employer interference in union activities and requires employers to reinstate workers dismissed illegally for union-organizing activities.

The government did not systematically enforce legislation on freedom of association, collective bargaining, or antiunion discrimination. The government did little to investigate, prosecute, and punish employers who violated freedom of association and collective bargaining laws or to reinstate workers illegally dismissed for engaging in union activities. Inspectors repeatedly failed to take action, including failing to seek police assistance, to ensure access to worksites in response to employers' refusal to permit labor inspectors to enter facilities to investigate worker complaints. Penalties for labor law violations were inadequate and rarely enforced.

The Labor Ministry cannot sanction employers for labor law violations discovered during inspections but must refer these cases to the courts. Only labor courts have the authority to impose sanctions for labor law violations, although according to ministry officials, courts rarely sanctioned employers for ignoring legally binding court orders, and employers frequently refused to honor those decisions favorable to workers. Appeals by employers, along with widespread use of legal maneuvers such as reincorporation as a different entity, often prolonged reinstatement proceedings. The labor courts had a backlog of cases regarding the reinstatement of workers. The length of time to process such cases was excessive, with cases often taking two to four years and some lasting more than 10 years. The delay in processing labor law complaints—from submission to final resolution—facilitated impunity for employers.

In September and December 2010 the government took part in formal cooperative labor consultations under the Dominican Republic-Central America-United States Free Trade Agreement's (CAFTA-DR) Labor Chapter to address concerns about systemic weaknesses in enforcement of labor laws, first identified in the 2009 official report in response to a 2008 public submission. The labor consultations failed to resolve the issues of concern, resulting in a bilateral meeting of the agreement's Free Trade Commission in June under the CAFTA-DR Dispute Settlement Chapter. The government's failure to take concrete enforcement action to improve measurably compliance with the country's labor laws resulted in a request on August 9 for the establishment of an arbitral panel. At year's end panel members had not yet been selected.

The Special Prosecutor's Unit for Crimes against Unionists within the Office of the Special Prosecutor for Human Rights is charged with investigating attacks against union members. The unit's small size (four prosecutors) limited its effectiveness. According to Public Ministry statistics, the unit achieved no convictions in the 53 cases it handled. The International Labor Organization (ILO) noted its concern that the failures of the justice system had grown worse with respect to violence against trade unionists.

Union formation restrictions effectively eliminated the possibility for workers to exercise their rights to negotiate and engage employers formally at an industry level. The International Trade Union Confederation's annual report noted numerous and arbitrary obstacles for union registration in practice.

Violence and threats against trade unionists and worker activists remained serious problems and, combined with weak and ineffective enforcement of labor and employment laws, restricted freedom of association and the right to collective bargaining. Several labor leaders were killed and others reported receiving death threats and being targets of other acts of intimidation. UDEFEGUA indicated in its annual report that at least four trade unionists were killed by unknown assailants. The ILO continued to stress its deep concern regarding violence against trade union leaders and members, and the government's lack of political will to combat violence against them or to combat impunity.

Most acts of violence and threats were not well investigated and went unprosecuted, often making it difficult to identify motives for killings. Local unions urged authorities to investigate the killings of unionists and called for increased security for union leaders and members. During the year four members of the Banana Workers Union of Izabal (SITRABI) were shot and killed in the Izabal Department: Oscar Humberto Gonzalez Vasquez on April 10, finance secretary Idar Joel Her-

nandez Godoy on May 26, Henry Anibal Marroquin Orellana on September 24, and Pablino Yaque Cervantes on October 16. At year's end no one had been arrested in connection with the killings.

At year's end no arrests were made and none were expected in the 2010 deaths of four union members belonging to the Guatemalan National Health Care Workers' Union and the serious wounding of a fifth in a series of separate shooting incidents.

Procedural hurdles, combined with the small number of unionized workers and impunity for employers ignoring court orders, limited freedom of association and collective bargaining in practice. Many employers ignored judicial rulings requiring the employer to negotiate with recognized unions.

Employers routinely resisted union formation attempts, and there were credible reports of retaliation by employers against workers who tried to exercise their rights, including numerous complaints filed with the Ministry of Labor and Public Ministry alleging employer retaliation for union activity. Common practices included termination and harassment of workers who attempted to form workplace unions, creation of illegal company-supported unions to counter legally established unions, blacklisting of union organizers, and threats of factory closures. Employers threatened not to renew contracts or not to offer subcontracted workers permanent employment if the worker joined a union or refused to disaffiliate. There continued to be reports that management or persons hired by management harassed and made death threats against workers who did not accept employer dismissals or refused to forfeit their right to reinstatement.

During the year workers who suffered illegal dismissal won court injunctions ordering reinstatement, but in practice employers often failed to comply with reinstatement orders. Employers, often with impunity, failed to pay the full amount of legally required severance payments to workers or to pay court-ordered fines.

Local unions reported that businesses also continued to use fraudulent bankruptcies, ownership substitution, and reincorporation of companies to circumvent legal obligations to recognize newly formed or established unions. Unions and workers also reported that employers subdivided into smaller companies in order to make it more difficult for nascent unions to find the 20 supporters required.

An active Solidarismo (a national solidarity association movement) exists. Unions may operate legally in workplaces that have solidarity associations, and workers have the right to belong to either or both. Although the law stipulates that trade unions have an exclusive right to negotiate work conditions on behalf of workers, unions asserted that management promoted solidarity associations to discourage the formation of trade unions or to compete with existing labor unions.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor. The government failed to enforce these laws effectively in some cases, and there were reports that men and women were subjected to forced labor in agriculture and domestic service. There were also reports of forced child labor occurring in practice (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 law bars employment of minors under the age of 14 without written permission from parents and the Ministry of Labor. The law prohibits persons under the age of 18 from work where alcoholic beverages are served, in unhealthy or dangerous conditions, and at night or overtime. The legal workday for persons younger than 14 is six hours, and for persons 14 to 17 years of age, seven hours.

The Ministry of Labor's Child Worker Protection Unit is charged with enforcing restrictions on child labor and educating minors, their parents, and employers on the rights of minors in the labor market. While penalties in theory are adequate to deter child labor, the government did not effectively enforce these laws, a situation exacerbated by the weakness of the labor-inspection and labor-court systems. In exceptional cases the Labor Inspectorate may authorize children under the age of 14 to work, but the Ministry of Labor has committed not to provide such authorizations, and the Labor Inspectorate reported that it did not make any authorizations during the year. The government devoted insufficient resources to prevention programs.

Child labor was a widespread problem. The NGO Conrad Project Association of the Cross estimated that the workforce included approximately one million children between the ages of five and 17. Most child labor occurred in rural indigenous areas. The informal and agricultural sectors regularly employed children below 14 years of age, usually in small family enterprises, and there were reports during the year that child labor existed in the production of broccoli, coffee, corn, fireworks, gravel, and sugar. Indigenous children also worked frequently in street sales and rubber

and timber production and as shoe shiners and bricklayer assistants. Some child laborers worked an average of 45 hours per week.

An estimated 39,000 children, primarily indigenous girls, worked as domestic servants and were often vulnerable to physical and sexual abuse. In the Mexican border area, there were reports of forced child labor in municipal dumps and in street begging.

Also see the Department of 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 sets national minimum wages for agricultural and nonagricultural work and work in garment factories. The minimum wage was 63.70 quetzales ($8.16) per day for agricultural and nonagricultural work and 59.45 quetzales ($7.61) per day for work in garment factories. In December the National Statistics Institute estimated that the minimum food budget for a family of five was 2,440 quetzales ($312) per month. The basic basket for vital needs, including food and housing, was 4,452 quetzales ($570). Labor representatives noted that even where both parents worked, the minimum wage did not enable a family to meet the basic basket of vital needs.

The legal workweek is 48 hours with at least one paid 24-hour rest period. Daily and weekly maximum hour limits do not apply to domestic workers. Workers in the formal sector receive the standard pay for a day's work for official annual holidays. Time-and-a-half pay is required for overtime work, and the law prohibits excessive compulsory overtime.

The Ministry of Labor conducted inspections to monitor compliance with minimum-wage law provisions, but the government allocated inadequate resources to enable inspectors to enforce the law, especially in the agricultural sector and very large informal sector. The Ministry of Labor employed approximately 240 labor inspectors, although many of them performed conciliation or administrative duties rather than clearly defined inspection duties. The Ministry of Labor operated a call center that received calls to request information or advice or register complaints about labor law violations. Complaints were referred to labor inspectors and labor courts for further action.

Labor inspectors reported uncovering numerous instances of overtime abuses, but effective enforcement was undermined due to inadequate fines, labor court inefficiencies, employer refusals to permit labor inspectors to enter facilities or provide access to payroll records and other documentation, and inspectors' lack of effective follow-up in the face of such refusals, including failure to seek police assistance to gain access to worksites when needed. Fines were insufficient to deter violations. Moreover, labor inspectors were not authorized by law to sanction employers but had to send alleged violations to the labor courts, where decisions favorable to workers were rarely enforced.

The government sets occupational health and safety standards, which were inadequate and poorly enforced. Authorities often failed to investigate fully or assign responsibility for negligence, and employers rarely were sanctioned for failing to provide a safe workplace. Legislation requiring companies with more than 50 employees to provide onsite medical facilities for their workers was not enforced.

Trade union leaders and human rights groups charged that employers required workers to work overtime without legally mandated premium pay and did so with impunity. Management often manipulated employer-provided transportation to force employees to work overtime, especially in export processing zones located in isolated areas with limited transportation alternatives. Noncompliance with minimum wage provisions in the agriculture and informal sector was widespread. Advocacy groups estimated that more than half of the workers in rural areas who engaged in daylong employment did not receive the wages, benefits, and social security allocations required by law. According to credible estimates, between 65 and 75 percent of the workforce continued to work within the informal sector and outside the basic protections afforded by law.

Local unions continued to highlight and protest violations by employers who failed to pay employer and employee contributions to the national social security system despite employee contribution deductions from workers' paychecks. These violations, particularly common in the private sector and export industries, resulted in limiting or denying employees' access to the public health system and reducing or underpaying workers' pension benefits during their retirement years. Although workers have the right to remove themselves from dangerous work situations without reprisal, few workers were willing to jeopardize their jobs by complaining about such conditions. Three construction workers were killed and seven were injured while building a church in August.

GUYANA

EXECUTIVE SUMMARY

The Cooperative Republic of Guyana is a multiparty democracy. On November 28, voters elected Donald Ramotar of the People's Progressive Party Civic (PPP/C) to be president, replacing Bharrat Jagdeo of the same party. However, the PPP/C won only 48.6 percent of the vote, and President Ramotar presides over the first minority government in parliament since independence in 1966. International and local observers considered the elections to be generally free, transparent, and peaceful. Security forces reported to civilian authorities.

The most serious human rights abuses involved complaints of mistreatment of suspects and detainees by security forces, unlawful killings by police, and poor prison and jail conditions.

Other human rights problems included lengthy pretrial detention; allegations of government corruption, including among police officials; sexual and domestic violence against women; and abuse of minors.

There were no independent and transparent procedures for handling allegations of killings and other abuses by security force members. Prosecutions when pursued were extremely lengthy, and convictions were rare. As a result there was a widespread perception that security force members enjoyed 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 did not commit any politically motivated killings, and the Police Complaints Authority (PCA) received no complaints of unlawful killings. The Guyana Human Rights Association recorded five fatal police shootings.

On May 2, a police officer shot and killed Angold Cox at his home. According to the police, officers responded to a report that Cox threatened to kill a tenant at his home, and when approached he attacked the officers who claimed they had to resort to the use of force. However, relatives and neighbors accused police of using excessive force, saying that Cox barricaded himself to avoid arrest and only jabbed a piece of wood at a policeman outside his door. A witness claimed that she saw a policeman point a gun through a broken door, fire it, and then tell the others that he "got him."

Trials in the High Court remained pending for the police officer charged with the June 2010 murder of 16-year-old student Kelvin Fraser and for three Coast Guard personnel charged with the 2009 killing of businessman Dweive Kant.

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. Nonetheless, there were reports alleging mistreatment of inmates by prison officials as well as allegations of police abuse of suspects and detainees.

During the year the PCA received 11 complaints of unnecessary use of violence. Local media reported several cases of random police brutality, arrest, and interrogation prior to investigation. On September 9, policemen allegedly pointed a gun at, beat, and then arrested taxi driver Claude Bristol for driving away from the police following a traffic stop.

A woman accused the police commissioner of raping her in November (see section 6). Also in November authorities placed two men stationed at the Cove and John Police Station under arrest while they investigated a report that the men were sexually involved with two female prisoners (one a juvenile) in custody at the station. The case remained pending at year's end.

Although authorities charged Detective Corporal Ricardo Inniss on February 1 with the December 2010 rape of a 21-year-old woman in custody at the Turkeyen Police Station, the case was subsequently dismissed.

On January 14, after the witnesses failed to appear, the court dismissed the high-profile case against three police officers for maliciously wounding three suspects during a murder investigation in 2009. On June 17, a court awarded one of those suspects, 14-year-old Twyon Thomas, 6.5 million Guyanese dollars ($32,178) in damages as a result of a civil action filed in February 2010. On July 28, the attorney general appealed the award, and the matter remained pending at year's end.

Prison and Detention Center Conditions.—Prison and jail conditions were poor and deteriorating, particularly in police holding cells. Capacity and resource constraints were a problem. The Guyana Prison Service (GPS) reported that as of October 31, there were 1,962 prisoners in five facilities, which had a combined design capacity of 1,580. A total of 997 prisoners were in Georgetown's Camp Street Prison, which was designed to hold 775 inmates. Overcrowding was in large part due to a backlog

of pretrial detainees, who constituted approximately 39 percent of the total prison population.

Prisoners have access to potable water, and government medical officers visit each prison on a monthly basis. In addition a medical staff consisting of a medical examiner, registered nurses, and assistant nurses provide daily treatment and monitor the sick as advised by the medical doctors.

There were 88 female prisoners, all at the New Amsterdam prison. Authorities held some female detainees temporarily at the East La Penitence Police Station. The GPS offered rehabilitation programs focused on vocational training and education; however, such programs did not adequately address the needs of prisoners with substance abuse problems.

Unlike in past years, when all newly hired prison guards received limited human rights training from the Guyana Human Rights Association, the association was not invited to perform training during the year.

Although precinct jails were intended to serve only as pretrial holding areas, some suspects were detained there as long as two years, awaiting judicial action on their cases.

There was one death in prison, which occurred when three prisoners attacked a fourth, who died as a result of a fractured skull. Authorities charged the three with murder. Following an inmate-upon-inmate killing in 2010, the GPS announced measures to keep mentally unstable inmates segregated from the general prison population until construction of a separate facility to hold them, and authorities held 35 inmates isolated from the general prison population at the Georgetown facility.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Prison chaplains representing the major faiths in the country were appointed to all prison facilities. Prisoners and detainees are able to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Prisoners often circumvented procedures for submitting complaints by passing letters addressed to government officials to family members.

The government investigated and monitored prison and detention center conditions. Prison visiting committees prepared monthly reports on the Georgetown, Mazaruni, New Amsterdam, and Timehri prisons. Based upon such reports, the GPS identified areas for improvement, especially with regard to health care, such as the need for a permanent doctor and increased staffing and training.

Juvenile offenders 16 years of age and older were held with the adult prison population. Juvenile offenders ages 15 and younger were held in the New Opportunity Corps (NOC), a juvenile correctional center that offered primary education, vocational training, and basic medical care. Problems at the NOC included lax security and understaffing. There were complaints that juvenile runaways, or those out of their guardians' care, were placed with juveniles who had committed crimes, leading some petty offenders to become involved in more serious criminal activity.

There was no indication that the government declined to permit outside groups to monitor prison conditions independently, but there were no known requests to make such visits during the year.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. However, during the year the PCA received a number of complaints of unlawful arrest.

Role of the Police and Security Apparatus.—The Guyana Police Force (GPF), which is headed by the commissioner of police and overseen by the Ministry of Home Affairs, is responsible for maintaining internal security. The duties of the Guyana Defense Force (GDF) include defending the country's territorial integrity, assisting civil authorities to maintain law and order, and contributing to economic development. The GDF, headed by a chief of staff, falls under the purview of the Defense Board, which the president chairs.

Inadequate training, poor equipment, and acute budgetary constraints severely limited the GPF's effectiveness. Public confidence in, and cooperation with, the police remained low. There were reports of corruption in the police force. Police force abuses may be reported to the PCA; however, the PCA did not possess an independent investigation unit.

Authorities charged and brought to court 39 GPF members for various crimes including robbery, simple larceny, bribery, and indecent assault.

During the year the PCA received 245 written complaints and 339 oral complaints, 79 of which were sent from the commissioner of police. Most cited police neglect of duties, unlawful arrest, and unnecessary use of force. The PCA rec-

ommended disciplinary action in 30 cases; there were no recommendations for criminal charges. At year's end 102 reports remained outstanding.

PCA efforts to conduct impartial and transparent assessment of the accusations it received were obstructed by staff shortages (six of seven full-time positions were filled), as well as the lack of an investigative unit. By law the police commissioner must comply with the PCA's recommendations on complaints, but the PCA relied on the GPF to conduct investigations into complaints against its own officers. Long delays in receiving reports from the commissioner also thwarted the complaints process. Most cases involving charges against police officers were heard by lower magistrate's courts, where specially trained police officers served as the prosecutors.

Arrest Procedures and Treatment While in Detention.—An arrest requires a warrant issued by a court official unless an officer who witnesses a crime believes there is good cause to suspect that a crime or a breach of the peace has been or will be committed. The law requires that a person arrested and held for more than 72 hours be brought before a court to be charged; authorities generally observed this requirement in practice. Bail was generally available except in cases of capital offenses and narcotics trafficking.

Although the law provides criminal detainees prompt access to a lawyer of their choice and to family members, in practice these rights sometimes were not fully respected. The state provides legal counsel for indigent persons only when such persons are charged with a capital offense. However, the Legal Aid Clinic provides legal counsel at a reduced fee in certain circumstances, as determined by the clinic. Police routinely required permission from the senior investigating officer, who was seldom on the premises, before permitting counsel access to a client.

Lengthy pretrial detention, due primarily to judicial inefficiency, staff shortages, and cumbersome legal procedures, remained a problem. Pretrial detainees constituted 39 percent of the prison and detainee population. The average length of pretrial detention ranged from six to 18 months for those awaiting trial at a magistrate's court or in the High Court.

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

Delays and inefficiencies undermined judicial due process.

In October the High Court scheduled 206 cases for the Demerara criminal assizes, but only six matters were tried, and the prosecution decided to drop five cases. Delays were caused by shortages of trained court personnel and magistrates, inadequate resources, postponements at the request of the defense or prosecution, occasional allegations of bribery, poor tracking of cases, and the slowness of police in preparing cases for trial. In at least one of the cases heard during the session, the accused had been incarcerated since 2007. There were 226 cases listed to be heard when the next Demerara assizes open in January 2012.

Trial Procedures.—Trials are public, and defendants enjoy a presumption of innocence. Cases in magistrate's courts are tried without jury. Cases involving more serious crimes are tried by jury in the High Court. Defendants can confront witnesses against them and have access to relevant government-held evidence. Defendants have the right to appeal. Trial postponements were granted routinely to both the defense and the prosecution. The law extends these rights to all citizens.

The law recognizes the right to legal counsel; however, it was limited to those who could afford to pay, except in cases involving capital crimes. Although there is no public defender system, a defendant in a murder case that reaches the High Court receives a court-appointed attorney. The Georgetown Legal Aid Clinic, with government and private support, provided advice to persons who could not afford a lawyer, particularly victims of domestic violence and violence against women.

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

Civil Judicial Procedures and Remedies.—The law provides for an independent and impartial judiciary in civil matters, and the government generally respected this provision in practice. Individuals can access the court system to initiate lawsuits seeking damages for, or cessation of, some human rights violations. The magistrate's courts deal with both criminal and civil matters. Delays, inefficiencies, and alleged corruption in the magistrate court system affected the ability of citizens to seek timely remedies in civil matters, and there was a large backlog of civil cases.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—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 this right in practice; however, the government's monopoly on radio broadcasting continued throughout most of the year. Observers believed the government attempted to censor or restrict content and sought indirectly to censor the print media by controlling advertising.

Freedom of Speech.—All radio stations operating on the electromagnetic spectrum are government controlled. In 2009 the Court of Appeal ruled that the government had an unlawful monopoly on the airwaves and that the National Frequency Management Unit was not adequately considering radio license applications. The government's monopoly on radio broadcasting continued, limiting the expression of opposition views, even though the National Assembly passed and then president Jagdeo assented to a new broadcasting bill on September 27.

The new broadcasting law creates a Guyana National Broadcasting Authority and a governing board; the president appoints the chairman and all members of the board, restricting the independence of the authority. The law states that programs that address controversial public policy or matters of political or industrial contention "must meet standards of fairness, balance, and accuracy, maintaining a proper balance and respect for truth and integrity and always ensuring that opposing views are not misrepresented." The then President Jagdeo, who also held the portfolio of minister of information, asserted that the bill's passage would allow him to review the 55 radio applications pending. Although the president said he was committed to granting new radio licenses, he said it would not be done before the November elections. At year's end media reports suggested that licenses had been approved for some longstanding applicants, although the process was not transparent, and there were further steps needed before new stations may begin broadcasting.

Censorship or Content Restrictions.—After a Channel 6 telecast on May 4 in which former television owner Anthony Vieira gave commentary said to be offensive, the Advisory Committee on Broadcasting recommended a suspension of the station. On September 30, the then President Jagdeo instituted a four-month suspension of Channel 6, but following a public outcry, on October 10 he temporarily lifted the suspension until after the elections.

On August 26, the chairman of the Elections Commission announced the reopening of the Media Monitoring Unit that ceased operations in July 2010, following the government's request that the U.N. Development Program cease its support for the unit. That unit appeared to be effective in monitoring and reporting on media content in the period prior to the elections, highlighting signs of inequitable reporting in a number of publications and broadcasts.

Libel Laws/National Security.—Government officials used libel laws to suppress criticism. The hearing into the 10 million Guyanese dollars ($50,000) libel suit filed by former president Jagdeo in July 2010 against the Kaieteur News publishers, its editor in chief, and one of its columnists commenced on August 19 and 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 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 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 Amerindian Act requires that the local village councils grant permission for travel to Amerindian areas. In practice most persons traveled throughout these areas without a permit.

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.

Protection of Refugees.—Access to Asylum.—The government has not established a system for providing protection to refugees or asylum seekers and did not grant status to any person during the year, although one person submitted a letter of inquiry about applying for asylum. In the absence of national legislation and requisite government capacity, the UNHCR assumed the main responsibility for determination of refugee status.

Nonrefoulement.—According to the U.N.'s Universal Periodic Review, in some cases the nonrefoulement principle was not fully respected.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair national elections based on universal suffrage. However, local government elections, which the law provides should be held every three years, have not been carried out since 1994. Elections are also held within Amerindian communities where members elect Amerindian leaders known as Toshaos.

Elections and Political Participation.—Recent Elections.—On November 28, voters elected PPP/C candidate Donald Ramotar to a five-year term as president, replacing outgoing PPP/C president Jagdeo. However, the PPP/C gained only 48.6 percent of the vote, and President Ramotar therefore presides over the first minority government in parliament since independence in 1966. International observers, including teams from the Organization of American States, Caribbean Community, Commonwealth, and Union of South American Nations, generally concluded that the elections were substantially free, transparent, and peaceful and that they were well administered. Electoral observer criticisms centered on the need for greater timeliness in transmission of preliminary and final results and for increased women's participation in the electoral process. Observers also noted that Guyana Elections Commission (GECOM) members are political appointees, saying this "compromises the effectiveness and integrity of the commission, which needs to be independent and above politics at all levels."

Although all five parties competing in the elections signed a code of conduct prepared by the GECOM, hours after the ceremony the opposition coalition, A Partnership for National Unity (APNU), accused the ruling PPP/C of violating the code by distributing leases for land to residents of the Essequibo Coast. During the campaign GECOM's Media Monitoring Unit highlighted three problem areas in media portrayal of political parties, including inequitable reporting by certain outlets, publication of two racially divisive articles, and use of unscientific polling data. Nonetheless, the unit concluded that there were few major infringements of a separate media code of conduct.

Participation of Women and Minorities.—The constitution requires that one-third of each party list of candidates be women but does not require the parties to select women for seats. Parties selected 21 female representatives for the 65-seat National Assembly, and President Ramotar named five women to his 21-member cabinet.

While supporters of the two major parties (the PPP/C and APNU) were drawn largely from the Indo-Guyanese and Afro-Guyanese communities, respectively, political party leadership was more diverse. The cabinet was also ethnically diverse, mirroring the ethnic makeup of the general population. Seven cabinet members were Afro-Guyanese, including the prime minister and the head of the presidential secretariat. The ethnically diverse National Assembly included seven indigenous members; there were also two Amerindian cabinet 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. There were reports alleging government corruption and complacency in enforcing these laws with respect to officials engaged in corrupt practices. The World Bank's Worldwide Governance Indicators reflected that government corruption was a serious problem. There was a widespread public perception of serious corruption in the government, including law enforcement and the judicial system. Low wages among police and other public servants contributed to the incidence of bribery.

In August a senior GPF member alleged that many officers had connections to drug dealers, and authorities began an investigation. In October the GPF crime chief submitted a report to the minister of home affairs, who considered it but took no action by year's end.

Public officials are subject to financial disclosure laws and are required to submit information about personal assets to the Integrity Commission, but compliance was uneven, and the commission had no resources for enforcement or investigations.

On September 27, the president assented to the Access to Information Act, intended to promote transparency and accountability in the working of the government and public authorities. The new law provides for the first time that persons may secure access to information under the control of public authorities and for the appointment of a commissioner of information. By year's end, however, implementing regulations had not been issued nor had a commissioner been appointed.

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

The few organized domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. These groups at times, however, complained that government officials were uncooperative and unresponsive to their views; when they did respond, it was generally to criticize.

Government Human Rights Bodies.—The constitution allows for a governmental human rights commission, but it has not been established. While the constitution provides for the appointment of an ombudsman who may investigate any action taken by any government department or authority in relation to the administrative functions of that department or authority, the position has been vacant since 2005.

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

While the constitution prohibits discrimination based on race, gender, disability, language, social status, religion, or national origin, the government did not always effectively enforce these prohibitions.

Women.—Rape and Domestic Violence.—The law criminalizes rape, including spousal rape, but neither type of rape was frequently reported nor successfully prosecuted. Rape was a serious problem and pervasive in society. Many survivors did not report rapes because of fear of stigma, retribution, or further violence. Police and prosecutors were not effective in investigation or prosecuting rape cases. During the year authorities charged 97 persons with rape, but only one was convicted, due in part to the large court backlog. Additionally, authorities charged 31 persons with statutory rape, and four were convicted (including persons charged in preceding years). A judge has discretion to issue a sentence of any length in a rape conviction, depending upon the circumstances and severity of the act committed. The norm appeared to be a sentence of five to 10 years' imprisonment.

In a case that drew public attention, a woman alleged that the GPF commissioner raped her in November. A women's group held a press conference to draw attention to the charges; the commissioner declined to comment and took leave in December to allow for an investigation into the matter. The government requested investigative assistance from Jamaican authorities; an interim report was completed and sent to the DPP, with further action pending at year's end.

Domestic violence and violence against women, including spousal abuse, was widespread and crossed racial and socioeconomic lines. The law prohibits domestic violence and allows victims to seek prompt protection, occupation, or tenancy orders from a magistrate. Penalties for violation of protection orders include fines up to 10,000 Guyanese dollars ($50) and 12 months' imprisonment; however, this legislation frequently was not enforced because of a lack of willingness to press charges on behalf of the victims and/or a lack of confidence in obtaining a remedy through the courts. Some victims preferred to reach a pecuniary settlement out of court. There were reports of police accepting bribes and other reports of magistrates applying inadequate sentences after conviction. In addition cases heard involving violation of a protective order tended to be categorized as assault cases.

According to a nongovernmental organization (NGO), the GPF reorganized police units in order to require inclusion of domestic violence units where victims can be counseled in private. The group observed that in most cases domestic violence reports were not taken confidentially but rather in the open at the front desk at police stations and were not treated as a matter of urgency. The organization handled 252 cases of abuse and violence, including child, spousal, and other domestic abuse, of which 12 were formally filed in a court.

The Help and Shelter NGO ran a free shelter for victims of domestic violence and operated a hotline to counsel victims with the funds it received from both private donors and the government. During the year Help and Shelter conducted 52 awareness sessions to sensitize individuals about domestic violence, reaching 1,304 persons, and counseled 479 persons affected by domestic abuse or violence during face-to-face counseling sessions and via a hotline.

Another NGO, Red Thread, promoted the empowerment of women through organized protests that led to passage of several laws protecting women and children, including laws on domestic violence, sexual offenses, and the protection of children.

During the election campaign, one of its founders called on all parties to make domestic violence a campaign issue. Red Thread also promoted provision of services such as literacy projects, flood relief, transportation provision, and training in personal finance for mothers.

Sexual Harassment.—The Prevention of Discrimination Act prohibits sexual harassment and provides for monetary penalties and award of damages to victims, but its application is confined to the workplace. For instance, the law does not cover harassment in schools. Any act of sexual harassment involving physical assault can also be prosecuted under relevant criminal statutes. Reports of sexual harassment were common, and there were six cases filed under the Prevention of Discrimination Act. Charges of sexual harassment were often settled out of court.

Reproductive Rights.—Couples and individuals had the right to decide freely the number, spacing, and timing of their children and had the information and means to do so free from discrimination, coercion, and violence. Access to contraception and skilled attendance at delivery and in postpartum care were widely available. UNICEF reported that 83 percent of births had a skilled attendant. The U.N. Population Fund reported a contraceptive prevalence rate of 43 percent and estimated the maternal mortality ratio in 2008 at 270 deaths per 100,000 live births. Media reports highlighted cases where severe bleeding after childbirth and hypertensive disorders resulted in maternal deaths, leading to the high maternal mortality ratio. The media also highlighted cases where family members' complaints about lack of prompt attention were ignored by nurses, leading in some cases to sickness or death. Women and men had equal access to diagnostic services and treatment for sexually transmitted infections, including HIV/AIDS.

Discrimination.—Although women enjoyed the same legal status and rights as men, gender-related discrimination was widespread and deeply ingrained. The law prohibits discrimination based on gender, but there was no legal protection against such discrimination in the workplace. Only 48 percent of women were in the workforce, compared to 85 percent of men. There were also credible reports that women were treated and paid unequally and faced disadvantages in promotion. Job vacancy notices routinely specified that the employer sought only male or only female applicants.

The Women's Affairs Bureau of the Ministry of Labor monitored the legal rights of women, but its role was limited to employment-related services. The bureau also held seminars on leadership and gender equity issues for women throughout the country. The constitution provides for a Women and Gender Equality Commission, which met and compiled its first periodic review and submitted it to parliament in August. The law protects women's property rights in common law marriages. It entitles a woman who separates or divorces to one-half of the couple's property if she had regular employment during the marriage and one-third of the property if she had not been employed. In practice women's property rights were generally observed.

Children.—Birth Registration.—Citizenship is derived by birth within the country's territory or by birth to a Guyanese citizen abroad.

Child Abuse.—There were frequent reports of physical and sexual abuse of children, which was a widespread and serious problem. During the year Help and Shelter handled 17 cases of child abuse; only two child abuse cases were filed with the courts. Law enforcement officials and NGOs believed that the vast majority of child rape and criminal child abuse cases were not reported. As with cases of domestic abuse, NGOs noted reports that some police officers and magistrates could be bribed to make cases of child abuse "go away." The Child Care and Protection Agency operated a hotline to take calls regarding suspected abuse of children. The agency received more than 3,000 child abuse reports, involving a significant number of sexual abuse cases.

Sexual Exploitation of Children.—The age of sexual consent is 16. Under the law anyone who has sexual relations with a girl under 16 can be found guilty of a felony and imprisoned for life. There were reports of child prostitution, although there were no indications that the country was a destination for child sex tourism. There is no specific legal prohibition of child pornography. However, the law regulates selling, publishing, or exhibiting obscene material, defined as anything that could deprive or corrupt those open to immoral influences.

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 Jewish community was very small, perhaps fewer than 50 members. There were no reports of anti-Semitism.

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

Persons With Disabilities.—The constitution mandates the state to "take legislative and other measures" designed to protect disadvantaged persons and persons with disabilities. The law provides for equal protection and for a National Commission on Disabilities to advise the government, coordinate actions on issues affecting persons with disabilities, and implement and monitor the law. The commission focused its attention on sensitizing the public about the law and on compliance. The commission conducted workshops, meetings, and panel discussions and provided advocacy for persons living with disabilities. Lack of appropriate infrastructure to provide access to both public and private facilities made it difficult for persons with disabilities to be employed outside their homes. The Open Door Center offered assistance and training to persons with disabilities throughout the year.

Indigenous People.—According to the 2002 census, the indigenous population constituted 9 percent of the population. There were nine recognized tribal groups, and 90 percent of indigenous communities were located in the remote interior. Indigenous communities' standard of living was lower than that of most citizens, and they had limited access to education and health care. Little reliable data existed regarding the situation of women and girls in indigenous communities, although indigenous women tended to face three-fold discrimination and vulnerability on the basis of gender, ethnicity, and reduced economic status. All indigenous communities had primary schools, and there were 13 secondary schools with an enrollment of 5,547 in remote regions. The secondary schools had dormitories that housed approximately 1,000 to 1,700 students at government expense. Government programs trained health workers, who staffed rudimentary health facilities in most communities.

By law persons wishing to enter indigenous lands must obtain prior permission from the local village council, but most visitors traveled in these areas without a permit. Rules enacted by the village council require approval from the minister of Amerindian affairs before entering into force.

Since passage of the Amerindian Act of 2006, the government increased the number of communal land titles for indigenous communities from 74 to 97, more than doubling the area from 6.5 percent of the national territory so designated to 14 percent. In 2010 134 communities had collective land titles. To earn cash some villages contracted with loggers, saw millers, and miners to exploit timber and other natural resources on their land.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Sodomy is punishable with a maximum sentence of life in prison. A local NGO reported that there were a few prosecutions, but neither the NGO nor the courts could provide numbers. It was reportedly more common for the police to use the law to intimidate suspected same-sex male partners. There are no laws concerning same-sex sexual activity between women. The health minister in a speech to a regional HIV/AIDS conference said that he "must be driven by public health reality," that "sex between consenting adults in private falls into the category of personal freedom," and that the law is "in contradiction of this expression of personal freedom."

Following the 2009 incident in which a judge fined several transgender persons 7,500 Guyanese dollars ($37), an NGO and four of the individuals filed a motion in the High Court against the law criminalizing cross-dressing; the case remained pending at year's end.

Other Societal Violence or Discrimination.—Violence and discrimination against persons with HIV/AIDS were not widely reported.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The constitution provides for the right of association and allows workers to form and join trade unions. The constitution bars military and paramilitary members from forming a union or associating with any established union.

The law provides workers with the right to strike. The government may declare strikes to be illegal if not approved by the union leadership or if they did not meet the requirements specified in collective bargaining agreements. Public employees providing essential services may strike if they provide a one-month notice to the Ministry of Labor and leave a skeleton staff in place, although the International Labor Organization noted that not all of the services deemed essential by the government were considered essential under international definitions. Arbitration is compulsory for public employees, and such employees engaging in illegal strikes are subject to sanctions or imprisonment.

Public and private sector employees possessed the right to organize and bargain collectively. The Ministry of Labor is required to certify all collective bargaining agreements, and there were no reports that it refused to certify any agreements. Individual unions directly negotiate collective bargaining status.

The law prohibits antiunion discrimination by employers. Labor law covers all categories of employees.

Workers generally exercised the right to form and join unions in practice, and workers exercised their right to bargain collectively and strike. However, some public sector employee unions continued to allege antiunion discrimination by the government, asserting that the government violated worker rights and did not effectively enforce its laws. The unions were concerned that labor rights were being undermined as permanent, regular jobs were replaced by contract labor and temporary, "unstable" work.

b. Prohibition of Forced or Compulsory Labor.—Although the law prohibits all forms of forced or compulsory labor, in 2010 there was at least one case of forced labor reported, involving a maid imprisoned by a businessman. 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 15 with some exceptions. Technical schools may employ children as young as age 14 provided a competent authority approves and supervises such work. No person under 18 may be employed in industrial work at night, with exceptions for those aged 16 and 17 whose work requires continuity through day and night, including certain gold mining processes and the production of iron, steel, glass, paper, and raw sugar. The law permits children under 15 to be employed only in enterprises in which members of the same family are also employed. The law prohibits children under 15 from working in factories and stipulates that those under 18 may be removed from factory work if authorities determine they are engaged in activities that are hazardous to their health or safety.

The Ministry of Labor collaborated with the Ministry of Education, Geology and Mines Commission, Guyana Forestry Commission, National Insurance Scheme, and GPF to enforce child labor laws. The Ministry of Labor employed 17 labor inspectors who were charged with investigating child and exploitive labor activities; however, these were not sufficient to enforce existing laws effectively. Despite conducting approximately 4,000 worksite inspections, authorities assessed no fines or penalties nor did they charge any employers with violations.

Child labor was most prevalent in family-based businesses, farming, bars and restaurants, domestic work, and street vending. Small numbers of children also performed hazardous work in the construction, logging, farming, fishing, manufacturing, and mining industries. Although the labor ministry reported no child labor violations during the year, NGOs reported isolated incidents of the worst forms of child labor occurred, mainly in gold mining, prostitution, and forced labor activities. According to local NGOs, children who worked in gold mines operated dangerous mining equipment and were exposed to hazardous chemicals. 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 is 35,863 Guyanese dollars ($178) per month. Public sector employees also receive unilateral wage increases.

The law sets hours of employment, which vary by industry and sector. In general, work in excess of a 44-hour workweek requires an overtime payment rate. The law prohibits compulsory overtime and provides for paid annual holidays.

The law establishes workplace safety and health standards. The Occupational Health and Safety Division of the Ministry of Labor is charged with conducting factory inspections and investigating complaints of substandard workplace conditions. The Ministry of Labor is also responsible for enforcing legislation regarding the minimum wage and working hours.

According to local trade unions and NGOs, enforcement of minimum wage legislation was not effective, and unorganized workers, particularly women in the informal sector, often were paid less than the minimum wage. The ministry reported that standards regarding working hours were effectively enforced.

Local trade unions and NGOs also reported that the Ministry of Labor did not adequately enforce occupational safety and health legislation and that resources were insufficient. The ministry estimated that 4,000 labor inspections were carried out during the year, which included occupational safety and health. Ministry follow-up of labor of inspection findings varied, and compliance among employers was also

inconsistent. In some cases workers could not remove themselves from dangerous work situations without jeopardizing continued employment.

No information was available regarding fatal industrial accidents during the year. In 2010 there were 24 fatal industrial accidents, largely in the mining and forestry sectors; more than half of those who died were 15 to 35 years of age.

HAITI

EXECUTIVE SUMMARY

Haiti is a constitutional republic with a multiparty political system. There were some allegations of fraud and irregularities in the second round of presidential and legislative elections on March 20, but international observers considered the elections generally free and fair. Voters elected President Michel Martelly, who took office on May 14 but was unable to secure the required parliamentary approval of a prime minister until October 4. Thus day-to-day government operations and budgetary discretion remained in the hands of the outgoing Preval government for six months, during which time there were multiple allegations of human rights abuses, corruption, and embezzlement of public funds. Security forces reported to civilian authorities in principle, but there were instances in which elements of the security forces and some other government officials acted independently of civilian control.

Since 2004 the U.N. Peacekeeping Force in Haiti (MINUSTAH), made up of approximately 13,000 military and police officers and civilians, has operated in the country with a mandate to assist and advise government and security authorities. Following the January 2010 earthquake, foreign governments, the international community, and many nongovernmental organizations provided assistance in rebuilding the country, while MINUSTAH continued to help maintain security. The earthquake effectively destroyed much of the government's infrastructure, and approximately 550,000 persons remained homeless and lived in camps for the internally displaced.

The most serious human rights problems included abuses by government security forces and representatives of the judiciary, including extrajudicial killings by police and government officials; allegations of sexual exploitation by members of MINUSTAH; and chronic, severe corruption in all branches of government.

Other human rights problems included torture and excessive use of force against suspects and prisoners; overcrowding and poor sanitation in prisons; prolonged pretrial detention; an inefficient, unreliable, and inconsistent judiciary subject to significant outside and personal influence; rape, other violence, and societal discrimination against women; child abuse; and human trafficking. In addition there were multiple incidents of mob violence and vigilante retribution against both government security forces and ordinary citizens, including setting houses on fire, burning police stations, throwing rocks, beheadings, and lynchings.

Although the government took some steps to prosecute and punish some government officials and Haitian National Police (HNP) members who committed abuses, there was considerable evidence of impunity for some government officials, as well as for high-ranking officers in the HNP. The government successfully tried and convicted eight law enforcement officials for their role in the 2010 killing of inmates in Les Cayes prison.

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

a. Arbitrary or Unlawful Deprivation of Life.—The government or its agents may have committed at least one politically motivated killing, and there were widespread allegations of HNP involvement in extrajudicial killings, some of which led to the arrest, conviction, and sentencing of HNP officers. A December MINUSTAH report detailed allegations of eight killings committed by members of the HNP.

By law authorities are supposed to refer all cases involving allegations of criminal misconduct in the HNP to the Office of the Inspector General (OIG) in the HNP, but the OIG did not pursue most cases.

On March 5, HNP officers allegedly killed Frantz Emmanuel Louis and Sterson Jordanaud Jeune, two of three poster hangers working for the Mirlande Manigat presidential campaign. The officers reportedly arrested the two men in the Champ de Mars camp near the National Palace, took them to the police station, beat them, and then left with them in a police vehicle. Their bodies were found at the national hospital morgue the next day; they had been shot to death. The Port-au-Prince police chief placed seven officers from the riot unit in detention pending an investigation into the matter. Authorities charged five officers, who awaited trial at year's end.

There were two cases of alleged torture of suspects in police custody that led to deaths. Police in the Port-au-Prince neighborhood of Martissant arrested and allegedly beat Jeffony Michel on April 1, then took him to the emergency room at the National Hospital. Michel was found dead in his cell the following morning. At the hospital morgue, Michel's cause of death was listed as "shot to death."

The police chief of the affluent Petionville neighborhood in Port-au-Prince and the Port-au-Prince prosecutor oversaw the arrest, interrogation, torture, and death of Serge Demosthene on June 15. Authorities arrested Petionville Police Chief Vanel LaCroix and seven other officers implicated in the affair. According to an OIG report, Port-au-Prince prosecutor Harrycidas Auguste and LaCroix both admitted being present during the torture and death of Demosthene but blamed each other. Authorities fired Auguste and charged him with murder but later dropped the charges. LaCroix and the other officers awaited trial at year's end, but Auguste was reportedly being considered for promotion to investigative judge for financial crimes.

The government tried 14 police and corrections officers, as well as 16 escaped prisoners, on charges of murder, arson, escape, and abetting escape resulting from a 2010 riot and successful escape at the Les Cayes prison. The incident left at least 12 inmates dead, while 22 escaped, and many others were wounded. At the trial 15 defendants were present; the rest were tried in absentia, including the former chief of the riot police, Olritch Beaubrun, who remained at large and out of the country. On December 15, the trial concluded, and the prosecution sought life in prison for the 14 officers and an additional one-year sentence for each of the escaped prisoners. After deliberation, the judge found eight police officers and one prisoner guilty and imposed sentences ranging from three to 13 years of hard labor. The prison warden, Sylvester Laraque, was sentenced to seven years' hard labor less time already served. The judge convicted Beaubrun and the prisoner charged with starting the riot in absentia. Human rights groups and the Office of the Citizen Protector (OPC) applauded the government for providing some measure of justice but said the sentences should have been harsher.

b. Disappearance.—There was one report of a politically motivated disappearance by government agents, when one of three poster hangers working for the Mirlande Manigat presidential campaign disappeared. He was never found after an alleged altercation with HNP officers in the Champ de Mars camp near the National Palace, but the bodies of two other poster hangers were found the next day (see section 1.a.).

Current and former HNP officers were accused of participation in kidnappings. In June authorities arrested Emile Augustin, a member of the General Security Unit of the National Palace, on more than 20 charges of kidnapping. Security officials in the Martelly administration had transferred Augustin to the palace in April, following Martelly's election. Authorities arrested Augustin after determining that he was using a victim's car to commute to the National Palace.

MINUSTAH reporting through December, based on police station records, showed 159 kidnappings, compared with 121 in all of 2010. It was widely acknowledged among the civilian population, MINUSTAH, and the HNP that a significant number of kidnappings were never reported to the police.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, but there were some reports of degrading treatment during the year. There were widespread allegations of police mistreatment of suspects during arrest and preliminary detention, as well as credible allegations of police brutality, several of which resulted in the deaths of suspects in police custody. Prisoners were also subject to degrading treatment, in large part due to overcrowded and inhumane facilities. Corrections officers in general did not mistreat prisoners.

There were multiple allegations of sexual abuse and sexual exploitation against members of MINUSTAH. The case of Johnny Jean, an 18-year-old Haitian man, attracted attention when a video showed Uruguayan peacekeepers pulling his shorts down and abusing him on a MINUSTAH base in Port-Salut. The Uruguayan minister of defense issued a public apology, promised perpetrators would be punished to the full extent of the law, and repatriated four soldiers implicated in the affair. The Uruguayan MINUSTAH contingent in Port-Salut was also accused of regularly engaging in transactional sex with local Haitians, usually trading their food rations for sexual favors.

As a mandated U.N. peacekeeping mission, MINUSTAH has an official "zero tolerance" policy regarding sexual exploitation by members of the mission. It was not clear, however, that the policy had curbed behavior. When the media or legal authorities publicized incidents of alleged sexual exploitation or abuse by peacekeepers, MINUSTAH responded by conducting its own private, internal investiga-

tion and took action accordingly. MINUSTAH did not provide case-specific information, but it publishes the number of allegations and substantiations of those allegations yearly. The online database of the U.N. Conduct and Discipline Unit showed 14 investigations of MINUSTAH sexual exploitation and abuse, of which 12 were categorized as pending and one was considered "substantiated." A separate database from the Office of Internal Oversight Services showed 13 investigations of sexual exploitation and abuse involving minors.

MINUSTAH's zero tolerance policy was accompanied by a policy not to discuss the details or status of any specific investigations with outside entities. The U.N. maintained a "blacklist" of forbidden places for its staff to frequent in Haiti, such as bars or clubs known to support prostitution. Despite the administrative ban, U.N. vehicles were often seen parked outside and U.N. personnel were often seen inside these establishments.

Prison and Detention Center Conditions.—Prisons and detention centers throughout the country remained overcrowded, poorly maintained, and unsanitary. Overcrowding was severe; in some prisons detainees slept in shifts due to lack of space. Some prisons had no beds for detainees, and some cells had no access to sunlight. Many prison facilities lacked basic services such as toilets, medical services, potable water, electricity, and medical isolation units for contagious patients. Prisoners in Les Cayes frequently defecated into plastic bags. Many prisoners and detainees suffered from a lack of basic hygiene, malnutrition, poor quality health care, and illness caused by lack of access to clean water. Some prisons did not allow prisoners out of their cells for exercise.

The prison system had not recovered from the 2010 earthquake that compromised the holding capacity at facilities in Carrefour, Delmas, Jacmel, and the National Penitentiary in Port-au-Prince. Authorities had recaptured only 1,600 of the more than 5,000 detainees who escaped in the wake of the earthquake, which included all 4,215 persons then held at the National Penitentiary.

According to the Department of Corrections (DAP), there were 7,009 prisoners jailed as of December 21, but the human rights nongovernmental organization (NGO) National Network for the Defense of Human Rights (RNDDH) believed there were as many as 7,192. According to local standards, available prison facilities were at 300 percent of their capacity, but by international standards, the prisons were above 500 percent of capacity.

There were also an estimated 2,000 to 3,000 prisoners held in makeshift and unofficial detention centers in police stations such as Petit-Goave, Mirogoane, Petionville, Gonaives, Port-au-Prince, and other locations. Flooding destroyed regular prison facilities in Gonaives and Petit-Goave; as a result, the Gonaives police station held approximately 250 prisoners and the Petit-Goave police station held 150. Prisoners held in these facilities were under the direct control of the HNP and not the DAP. Local authorities held suspects in makeshift facilities, sometimes for days, weeks, or months, without registering them with the DAP. On some occasions authorities eventually released unregistered suspects on their own recognizance or after they allegedly paid bribes to HNP officers.

In some prisons the incidence of preventable diseases such as HIV/AIDS, malaria, and drug-resistant tuberculosis remained a serious problem. An October 2010 cholera outbreak also affected the prisons, and authorities initially restricted access to prisoners from personal visitors, as well as medical and health NGOs, in an attempt to quell the spread of the disease. The RNDDH reported 275 cases of cholera and 60 deaths among prisoners from January to March alone. Other common diseases in prisons included scabies and beriberi.

Access to adequate nutrition remained a problem. In October 2010 the HNP took on contractual and fiscal responsibility for the delivery of food to prisons after discovering corruption and embezzlement in the DAP. Prison authorities generally provided prisoners with one or two meals a day consisting of broth with flour dumplings and potatoes, rice and beans, or porridge. None of the regular meals served to prisoners provided sufficient calories according to medical standards. As a result, prisoners were allowed regular deliveries of food from relatives, a commonplace practice that resumed during the year after authorities lifted the suspension on outside access imposed after the cholera outbreak.

The HNP also managed other service contracts at prisons, such as sewage treatment. Most prisons had insufficient sewage facilities for their populations. As such, their facilities require more frequent service, but with only one HNP central office to handle all contracts for the police, Coast Guard, firefighters, prison workers, and prisoners, attention to sewage problems often was lacking. Prisons generally used well water as a source for drinking and bathing water. Some prison officials used chlorine to sanitize drinking water, but in general prisoners did not have access to treated drinking water.

Corrections officers were severely underresourced and lacked basic riot control and self-defense capacity. Most prisons employed a single guard in a tower above the facility, armed with a 12-gauge shotgun, a close-range weapon not effective in a prison riot or escape attempt.

Corrections authorities in Port-au-Prince maintained separate penitentiaries for adult men and women. Children 16 and older were often confined with adults. Minors and adults usually occupied the same cells due to lack of available space. When space was available, boys were held in a separate cell of the National Penitentiary in Port-au-Prince. All males under 18 years of age were supposed to be held at the juvenile facility at Delmas 33, but the ages of some detainees could not be verified. Girls were not held separately from women at the Petionville Women's Penitentiary, but convicts were kept in a separate cell from pretrial detainees. U.N. prison statistics showed that women accounted for approximately 3 percent of convicted prisoners and 5 percent of pretrial detainees at the end of the year. In areas outside the capital, authorities often did not segregate juveniles from adult prisoners or convicted prisoners from pretrial detainees due to a lack of space, resources, and oversight.

The law permits religious observances in prison, and inmates could request to see a Protestant minister, a Catholic priest, or a Vodou (voodoo) leader. However, in practice most inmates gained access to religious services only once or twice a year. Few if any organized, regular religious services were provided at prisons, but there were occasional visits from members of religious NGOs to prisoners. Prison authorities were very receptive to NGOs providing services to prisoners, particularly at the National Penitentiary in Port-au-Prince. NGOs provided limited medical services, and there was a three-week educational program for juveniles in Delmas.

The OPC was an outspoken advocate for prisoners and better prison conditions but rarely pursued individual complaints. The OPC sponsored several small clinics around the nation to bring judges to prisons to focus on adjudicating pretrial detention cases. These clinics had an immediate effect but resulted only in the release of a few dozen prisoners.

The government, with international assistance, sponsored the construction of new prison facilities throughout the country. A new prison with capacity for 750 inmates was completed in Croix-de-Bouquets but was not yet operational at year's end. Renovations were under way at the prisons in Cap Haitien, Acahie, Delmas 33 in Port-au-Prince, Petit-Goave, and Fort Liberte.

The DAP permitted the International Committee of the Red Cross (ICRC), MINUSTAH, the RNDDH, the OPC, and other organizations to monitor prison conditions.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the constitution stipulates that a person may be arrested only if apprehended during the commission of a crime or on the basis of a warrant by a legally competent official such as a justice of the peace or magistrate. Authorities must bring the detainee before a judge within 48 hours of arrest. Officials frequently did not comply with these provisions in practice. Citizens also contributed to the disregard of the legal process by bringing alleged suspects by force to local police stations.

On July 24, under the direction of presidential security advisors, the HNP arrested 31 persons following an incident at a rally to welcome President Martelly in Cap Haitien, during which an unidentified individual threw a glass bottle that landed near the president's feet. Contrary to internal protocol and the law, authorities transferred all 31 detainees to the central investigative police headquarters in Port-au-Prince and held them there without charge for nearly two weeks. After intense pressure from human rights groups, authorities transferred all the detainees back to Cap Haitien and released them.

Role of the Police and Security Apparatus.—The HNP is an autonomous civilian institution under the authority of a single director general and includes police, corrections, fire, emergency response, airport security, port security, presidential security, and coast guard functions in separate units. The HNP is a relatively new organization, having been formed after the dissolution of the Haitian military in 1995. During his campaign President Martelly proposed forming a new military, and on December 6, he issued an executive order creating the State Commission of Organization of the Military Component of the Public Force to restore the country's armed force. The commission will have six months to consult widely among the domestic and international communities to develop a blueprint for a force to serve the public and address the country's major threats, namely the porous border and environmental disasters.

Officially, the Ministry of Justice and Public Security, through its minister and the secretary of state for public security, provides oversight to the HNP. In practice the minister of justice exerted personal influence on HNP operations and sometimes asked authorities to release suspects, especially during election season. Within the HNP, the OIG is supposed to conduct internal investigations into allegations of police misconduct and recommend administrative action as well as refer cases of criminal police misconduct to the prosecutor. However, OIG cases were not effectively transferred or pursued by the prosecutor.

Despite there being more than 100 OIG employees, only one inspector was assigned to the investigative bureau. In September he was transferred to the Director General's Office and not replaced. The inspector general, Fritz Jean, resigned in September after the acting justice minister and outgoing prime minister Jean-Max Bellerive allegedly pressured him to reintegrate former members of the HNP who were serving in President Martelly's security entourage. Inspector General Jean had also just completed an investigation into the involvement of former Petionville police commissioner Vanel LaCroix and former Port-au-Prince prosecutor Harrycidas Auguste in the killing of a witness in police custody (see section 1.a.).

Women make up less than 8 percent of the total police force, despite recruiting drives for female officers. The HNP claimed it formed a specialized Sexual and Gender-Based Violence (SGBV) unit, but the highest-ranking female officer assigned command the SGBV unit explained she had no vehicle, no cell phone, no subordinates, and no resources.

The vetting process of current and new officers in the HNP stalled during the year. A joint process between the HNP and U.N. Police Officers (UNPOL) has been in place for several years, but they did not apply the process uniformly. HNP leadership fired some officers as a result of the vetting process, but not all names discovered in the vetting process received the same treatment. There is no permanent internal HNP administrative body to take action when officers fail to meet vetting standards. According to the RNDDH, the number of HNP officers identified as not meeting vetting requirements was in the hundreds.

The specific limits of the MINUSTAH mandate kept military and law enforcement authorities from conducting unilateral operations. Frequently there was poor or no coordination between MINUSTAH and Haitian law enforcement. MINUSTAH units were assigned to patrol camps for internally displaced persons in particular, but without unilateral arrest authority, they were generally unable to intervene during instances of violence. MINUSTAH leadership acknowledged that most of their troops did not speak French or Creole and had extremely limited access to translation services, which further hampered their ability to coordinate with their HNP counterparts.

Reform and professionalization of the HNP continued as international programs and foreign governments provided human rights and other training and equipment for new recruits and existing officers; police station upgrades; security and humanitarian improvements to prisons; vehicles, computers, and communications equipment; and other technical assistance.

Arrest Procedures and Treatment While in Detention.—The law permits police officers to make arrests when a suspect is caught during the commission of a crime, or later with a court-authorized warrant. Police frequently apprehended persons without warrants or with warrants not issued by a duly authorized official. Authorities frequently detained individuals on unspecified charges or pending investigation. Persons arrested reported credible instances of extortion, false charges, illegal detention, physical violence, and refusal to grant due process by agents of law enforcement and the judiciary. The government frequently did not observe the constitutional requirement to present detainees before a judge within 48 hours, and prolonged pretrial detention remained a serious problem. Authorities held many detainees in pretrial detention for extended periods—in some cases up to five years—without the opportunity to appear before a judge.

Detainees generally were allowed access to family members and a lawyer of their own choosing. Many detainees could not afford the services of an attorney. The local bar association in some departments formed legal assistance groups to provide pro bono counsel to indigents who could not afford an attorney, but there was no nationwide government provision of free legal representation.

Some citizens—convicted criminals returned by foreign countries—initially alleged corruption, arbitrary arrest, false accusations about their activities to local police, and extortion attempts against them and their families abroad during the initial detention phase in exchange for quicker release from administrative quarantine. These accusations declined steeply during the year, although deportees still complained about access to medicine and continuing illegal detention of a small number considered to be "security risks" by the government.

Pretrial Detention.—Prison population statistics did not include the large number of persons held in police stations around the country in prolonged pretrial detention (without a hearing or filed charges) for longer than the 48-hour maximum detention period. Inadequate recordkeeping and data entry at police stations made it difficult to confirm the number of persons held in prolonged detention, although reliable estimates ranged between 2,000 and 3,000.

The overwhelming majority of the prison population were in lengthy pretrial detention, having never seen a judge or had access to legal counsel, much less being given a timeline for their case. As of December, of the 7,009 persons in custody, authorities had tried and sentenced 2,201, while 4,808 awaited trial. Approximately one-third of those awaiting trial had been incarcerated for a year or longer.

e. Denial of Fair Public Trial.—Although the law provides for an independent judiciary, in practice the executive and legislative branches exerted significant influence on the judicial branch. Judges assigned to politically sensitive cases complained about interference from the executive branch. Credible reports of judicial corruption were commonplace.

Pervasive and long-standing problems, primarily stemming from a lack of judicial oversight and professionalism, contributed to a large backlog of criminal cases. In addition the justice system sustained significant losses in the 2010 earthquake, including large portions of case files including evidence and testimony for pending cases. Because most of the 4,808 pretrial detainees had never been before a judge, seen a lawyer, or even had access to documentation regarding the charges against them, they were effectively denied the right to trial.

The code of criminal procedure does not assign clear responsibility for criminal investigations and divides authority among police, justices of the peace, prosecutors, and investigative magistrates. Authorities often failed to question witnesses or complete investigations and rarely conducted autopsies. Examining magistrates often received incomplete files. The law allows for a two-month delay for magistrates to request additional information from investigators. By law the delay is not supposed to be invoked more than twice, but magistrates often did not follow the law, and investigators often dropped cases or did not return them within the two-month limit.

Corruption and a lack of judicial oversight also severely hampered the functioning of the justice system. Many judicial officials charged varying "fees" to initiate criminal prosecutions based on their perceptions of what a service should cost, and those who could not afford to pay often did not receive any services from prosecutorial or judicial authorities. There were widespread, credible allegations of unqualified and unprofessional judges who received appointments as political favors. Many judicial officials also held full-time civilian jobs, and there was no law to prevent a conflict of interest.

Trial Procedures.—The judicial apparatus follows a civil law system based on the Napoleonic Code, largely unchanged since 1880. In practice authorities widely ignored the constitutionally provided right to a fair public trial. The constitution also expressly denies police and judicial authorities the right to interrogate suspects unless legal counsel or a representative of the suspect's choice is present or the suspect waives this right. Most accused persons could not afford legal counsel for interrogation or trial, and the law does not require that the government provide legal representation. However, some defendants had access to counsel during trials, and some international groups provided legal representation to defendants who could not afford it. The government hired defense counsel for a very small number of defendants, usually for government employees facing charges related to their official duties, such as police officers.

While the constitution provides defendants with a presumption of innocence, the right to be present at trial, the right to confront witnesses against them, and the right to present witnesses and evidence on their own behalf, judges frequently denied defendants these rights. The lack of a witness protection program and widespread impunity discouraged some witnesses from testifying at trials. Defendants and their attorneys had access to government-held evidence before trial, but most evidence in trials was from witness testimony. Defendants had the right to appeal.

There were 403 criminal trials, which resulted in 400 convictions and 162 acquittals, during the 2010-11 judicial year. Courts in Port-au-Prince processed 123 of the acquittals, 101 of them under the 10-week supervision of prosecutor Sonel Jean Francois, who was fired for separate reasons (see section 4).

The functioning of civil courts (Tribunal de Paix), the lowest courts in the judicial system, was inconsistent at best. There were at least 194 civil courts, the vast majority of which were in crumbling facilities, most of which did not have toilets, desks, or office equipment. Several tribunals were located in private homes, while

some were co-located with other facilities. The RNDDH highlighted two examples of significant problems with civil courts in l'Estere and Desdunes, which were the sites of repeated riots and violent demonstrations by citizens who believed they had no legal, peaceful means to communicate the lack of resources provided by the state, such as electricity.

Judges provided hours of operation based on their personal availability and often maintained separate, full-time jobs. A police officer was rarely present during trials, and frequently there was no court reporter. Judges often chose to hear or not hear cases based on bribes provided to them. By law a High Council of Judicial Power (CSPJ) should oversee judges and the judiciary, but this institution had yet to function by year's end. In October President Martelly appointed a president of the Supreme Court, a fundamental balancing power in the government that had been absent since 2004, and that person will head the CSPJ.

In multiple locales, elected communal administrators called CASECs took the place of civil judges and asserted self-appointed powers of arrest, detention, and issuance of legal judgments. Some CASECs turned their offices into courtrooms.

In Gros Morne, Artibonite Department, the two judges refused to hear any cases during the year because of a personal dispute. In Chansolme and Bassin Bleu, Northeast Department, the CASECs acted as police and judges, arresting and judging citizens themselves. In Jeremie citizens refused to allow the newly appointed judge, who previously was the prosecutor there, to hold court, insisting he was unqualified. No hearings were held in Jeremie during the summer.

The civil court in Port-au-Prince falsified court documents to free four men accused of armed robbery, kidnapping, and extortion. Judge Rodriguez Pierre Louis, court clerk Mode Cazimir Cantave, and investigator Emmanuel LaCroix released one of the men the same day. The three men repeated the same procedure to clear former Port-au-Prince prosecutor Harrycidas Auguste of charges of illegal detention, torture, and murder of a witness in police custody (see section 1.a.).

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

Civil Judicial Procedures and Remedies.—Victims of alleged human rights abuses are legally able to bring their cases before a judge for cessation of the violation. Damages can be awarded if the claim is brought as a civil suit and the judge convicts the perpetrator. Seeking legal remedies for human rights abuses was difficult and rarely successful, especially in view of the disarray of the civil court system.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The law provides for freedom of speech and press, and the government and elected officials generally respected these rights in practice. The independent media were active and expressed a wide variety of views without restriction. However, there were a few incidents of local government officers and elected officials harassing or threatening journalists.

Freedom of the Press.—Journalists and journalism NGOs criticized President Martelly for his derogatory, aggressive, and intimidating language towards domestic journalists and of being selective in his choice of reporters to whom he gave interviews. The president and members of his government were often quoted using vulgar language in response to some questioning from reporters. The president accused journalists of lacking professional objectivity and working for political opponents. However, there were no substantiated claims of any action by or from members of President Martelly's administration to limit the freedom of the press.

Violence and Harassment.—On April 26, alleged supporters of the INITE party attacked and burned the community radio station Tet Ansanm Karis in the border town of Clarice. The attack came during a rash of election-related violence after international organizations questioned the overturning of legislative election results in favor of the INITE party.

In September some civilian supporters of former president Jean-Claude "Baby Doc" Duvalier physically disrupted an Amnesty International press conference regarding the release of a report detailing crimes allegedly committed by Duvalier during his 1971-86 rule. The men grabbed microphones and cameras and eventually forced the Amnesty International representatives, as well as Haitian witnesses prepared to give testimony against Duvalier, to leave. Two lawyers for Duvalier, Reynold Georges and Osner Fevry, took over the stage and held their own impromptu press conference, decrying the charges as false and defending their client.

Unknown assailants killed several journalists in past years. In particular, the April 2000 killing of Jean Dominique remained unsolved.

Censorship or Content Restrictions.—There were no government restrictions on freedom of the press or media content, but some journalists practiced self-censorship on stories related to drug trafficking or allegations of business and political corruption, likely due to past patterns of retribution against investigative reporting, which risked reporters' livelihood and possibly their physical security.

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. Lack of infrastructure limited public access to the Internet.

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

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association. Citizens must apply for a permit to hold legal demonstrations.

A small minority of civil groups applied for and received permits to conduct peaceful demonstrations. More frequently, however, student and civil action groups held impromptu demonstrations in front of key government facilities or major public thoroughfares. These groups often erected barricades, sometimes with burning tires and debris, and occasionally threw rocks and bottles at passing motorists and at government, HNP, and U.N. vehicles. Some student groups and political groups openly threw rocks and bottles at HNP and U.N. security staff. During election season demonstrators often targeted U.N. vehicles that they perceived as affiliated with election problems. Government security forces frequently used tear gas to disperse crowds and sometimes used batons to subdue or chase away demonstrators. In the spring and summer, demonstrators often blocked national highways with broken-down trucks and debris to protest a lack of government services in the area, particularly a lack of electricity.

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. Persons deported from other countries were sometimes subjected to amendments in their Haitian passports by the Immigration Office, denoting the infraction for which they were deported.

Internally Displaced Persons (IDPs).—The presence of IDP camps in the country remained widespread, with a large concentration of the estimated 800 camps located in the greater Port-au-Prince metropolitan area. The most recent estimates placed the number of IDPs living in camps at approximately 550,000, although there were indicators that up to 30 percent of shelters were vacant, raising the possibility that the actual number of IDPs was much lower. Many former camp residents moved in with relatives, found new housing, or moved back into repaired or partially damaged homes. The Martelly administration began an IDP resettlement program targeting six major IDP camps in Port-au-Prince and provided land and financial incentives to move. Several highly visible camps on public land in Port-au-Prince were completely emptied by the end of the year, through a combination of municipal government and NGO programs.

A substantial portion of the remaining camp population had no viable means of earning income or paying for rented housing. The vast majority of IDPs also did not own property prior to the earthquake. While some of the larger IDP camps had support from NGOs, the U.N. and domestic law enforcement, the vast majority were unregulated camps with extremely limited access to clean water and sanitation.

Even in camps with a law enforcement presence, residents reported little in the way of effective protection from urban crime. The Jean Marie Vincent camp housed approximately 40,000 inhabitants in 1.4 square miles of land near the airport on the edge of Cite Soleil, a notorious slum. MINUSTAH, which formed an IDP unit staffed by 400 UNPOL officers working in loose coordination with the HNP, had a 37-person unit dedicated to the camp. MINUSTAH and UNPOL members did not have arrest authority and typically functioned as a deterrent force, rather than enforcing the law or intervening. The agreement with MINUSTAH requires an HNP officer to be present for any law enforcement operation. In contrast to the 37 UNPOL officers assigned to the camp, the HNP assigned just 10 officers who worked in three-person shifts, meaning officers never had a scheduled day off.

Some citizens blamed residents of IDP camps for perceived increases in criminal activity in neighborhoods with IDP camps. The students at the State University of Haiti protested and publicly blamed residents of the Champ de Mars IDP camp, located near their campus, for a spate of crimes targeting students.

Residents of Jean Marie Vincent camp reported a poor relationship between UNPOL, HNP, and camp residents. Counselors in the camp regularly reported incidents of rape in the camp, but there was little or no follow-up from law enforcement authorities. Camp residents also reported that most police patrols, both UNPOL and HNP, were around the perimeter of the camp and typically did not include patrols after dark. Gang recruitment and initiation also remained a major problem in the camp because there were up to 6,000 school-age children living in the camp with little or no educational, vocational, or employment opportunities.

There were reports of sexual and gender-based violence in the IDP camps including rape, domestic violence, and transactional sex, a situation further exacerbated by limited access to medical, legal, or economic support services.

Some IDPs who received money, services, or a combination of both as incentives to move out of camps did so successfully, although others chose to vacate camps after receiving compensation but moved to different unregulated camps. The rural terrain known as Canaan, located outside the Port-au-Prince suburb of Croix-des-Bouquets, continued to grow beyond an estimated 70,000 residents. There was limited NGO, U.N. and law enforcement presence in the original planned portion of Canaan, called Corail Camp, but those services supported only approximately 6,500 people. Many IDP camp managers and service providers reported that NGO presence was waning during the year, with many groups citing a declining level of donations forcing them to cut back on services.

IDP camp residents reported numerous forced evictions with no legal documentation and little or no notice. U.N. representatives and NGOs reported that specialized units in the HNP, in particular riot police, often accompanied landowners conducting forced evictions and used brute force tactics to force residents to leave. Many landowners and local authorities viewed the IDPs as illegal squatters seeking to manipulate the camps to gain humanitarian assistance.

The government coordinated marginally or not at all with foreign government agencies, international organizations, the U.N. and NGOs to provide services in IDP camps. There were accusations that government officials or representatives from government offices required rent payment from some IDP camp dwellers. The Ministry of Public Works' program to identify uninhabitable, repairable, and habitable houses was largely ineffective, as the government did not assign resources to rebuild or repair houses, and citizens did not trust the government's assessment of their residences. The endemic lack of land registry, as well as nonstandard land registry, further complicated IDP resettlement.

Protection of Refugees.—Access to Asylum.—The law provides for the granting of refugee status or asylum through the Ministry of Foreign Affairs in missions or consulates abroad. In practice, however, the government did not routinely grant refugee status or asylum.

Stateless Persons.—The country's dysfunctional civil registry system and weak consular capacity throughout the Caribbean made obtaining documentation extremely difficult for individuals living inside or outside the country, increasing the risk of statelessness for Haitians and people of Haitian descent throughout the region. There were no reliable estimates, however, on the number of such persons at risk of statelessness.

The two groups at greatest risk of statelessness were undocumented Haitian migrants who were unable to access documentation abroad and descendents of Haitian migrants abroad who acquired citizenship by birth on the territory but were at risk of having it revoked. (The constitution prohibits dual citizenship, calling for the automatic revocation of Haitian citizenship upon acquiring citizenship from another country.) In the case of the neighboring Dominican Republic, the retroactive application of new nationality laws allegedly stripped persons of Haitian descent of their Dominican nationality, dramatically increasing their risk of statelessness.

The Dominican Republic government deported thousands of these people back to Haiti, many of whom were from families living in the Dominican Republic for generations, had never been to Haiti, and did not speak Creole or French. According to NGOs providing emergency relief, the government had no capacity to accept or support these deportees. The National Office of Migration under the Ministry of Social Affairs has responsibility for deportees but did not provide personnel, facilities, or services to deportees. NGOs that provide emergency services to deportees along the border had the capacity to house only a few hundred people at a time and at

most provide them with money for transportation to their extended families' residences.

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.—There were isolated incidents of fraud, flawed voter registration lists, ballot stuffing, intimidation, and some violence at the polls during the March 20 second round of elections for deputies, senators, and president. Despite incidents of civil unrest, the police remained largely neutral during the political process. The first round of elections in November 2010 was also marred by fraud, flawed voter registration lists, ballot stuffing, intimidation, and some violence at the polls. Despite a relatively low (22 percent) participation rate, international observers and civil society generally considered the second round to be free and fair. Voters elected Michel Martelly by a wide margin, and he was peacefully inaugurated as president on May 14, all the more remarkable since the outgoing and incoming presidents were from opposing political parties.

Political Parties.—There were some restrictions on certain political parties. In 2009 the Provisional Electoral Council (CEP) considered 69 political parties for the 2010 parliamentary elections and approved 53. The CEP rejected 16 parties, including former president Jean-Bertrand Aristide's party, Fanmi Lavalas, for documentation that was inconsistent, lacked notarization, or did not conform to legal requirements. Other rejected major parties included Union, Popular Solidarity Alliance, Struggling People's Organization, and Fusion. The latter two groups allied under a new party banner, Alternative, which officially boycotted the elections, although many of the party's legislative candidates participated in the elections.

The constitution requires that, following local and municipal elections, local officials must hold a series of indirect elections to staff departmental organs of self-government and an interdepartmental council to advise the national government and nominate candidates for the CEP. The law requires that the three branches of the national government select from among these nominees the council's nine members. Since these indirect elections have not taken place since the constitution was written, the country continued to operate with the presidentially appointed CEP.

Participation of Women and Minorities.—Electoral legislation mandates that political parties nominating at least 30 percent female candidates and electing 20 percent of those nominated receive twice as much public financing for those same positions in the next election. None of the political parties met these criteria in the November or March elections. The monetary deposit required of female candidates for political office (if sponsored by a recognized party) was one-half that required of male candidates. In the 2010 elections, two women ran as candidates for president, eight for the Senate, and 45 for deputy seats. Of the deputy candidates, two won their seats outright in the first round, and seven qualified to run in the second round. Mirlande Manigat, one of the female presidential candidates, won approximately 30 percent of the vote, qualifying her to run in the second round.

Voters elected five women to the 99-member Chamber of Deputies. The sole female member of 30 senators was elected in 2006, and her term expired during the year. President Martelly appointed three women into ministerial positions (women's affairs, tourism, and health), of which there were 16, and four female secretaries of state out of 19. Martelly also appointed women to be director general and vice director general of the Haitian Popular Bank, one of two state-owned banks.

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. Corruption remained widespread in all branches and at all levels of government. The constitution mandates that high-level officials and parliament members accused of official corruption be prosecuted before the Senate, not within the judicial system. However, the Senate brought no such prosecutions.

In July the RNDDH published a list of names of 22 candidates in the 2010 parliamentary elections, all of whom received a salary of 100,000 gourdes (approximately $2,500) a month during their campaigns from the Ministry of Interior. All 22 candidates were from different parties but ran under the INITE banner, the political party of the Preval government. Voters elected 12 of these candidates. After publication of the list, the anticorruption committee in Parliament convoked the acting minister of interior, Paul Bien-Aime, who publicly testified that the payments were for consulting services and asserted that there was nothing illegal about hiring

consultants during election season. Earlier in the year Port-au-Prince prosecutor Sonel Jean Francois attempted to pursue the case, but he was fired after Amos DuRosier, director of the government's Unit to Fight Against Corruption (ULCC), alerted Bien-Aime and Prime Minister Jean-Max Bellerive to the investigation. Afterwards, authorities made no arrests nor levied any fines. Two anticorruption bodies in the government, the ULCC and the Central Unit of Financial Intelligence (UCREF), refused to pursue the case, alleging that investigating a sitting minister was outside their mandate and up to Parliament to resolve.

On January 16, former president Jean-Claude Duvalier returned to the country. Authorities immediately arraigned Duvalier on charges that included corruption, torture, and murder. A substantial number of plaintiffs filed cases against Duvalier, supported by local and international NGOs and the U.N. The cases were handed over to three subsequent Port-au-Prince prosecutors. At year's end the judge assigned in the case had yet to decide whether there was sufficient evidence to proceed to trial.

Former president Jean Bertrand Aristide returned to the country on March 18. At year's end no charges had been filed against Aristide.

During the period from President Martelly's election in May to the installation of a prime minister in October, there were multiple allegations of corruption and embezzlement by members of the outgoing Preval government. The RNDDH alleged in September that Prime Minister Jean-Max Bellerive had transferred approximately 3.5 million gourdes ($87,500) in government funds to a man named Marinio Jeune in the city of Les Cayes.

On May 30, authorities arrested Edrick Leandre, head of the mandatory car insurance agency. Although the HNP carried out the arrest, its impetus reportedly came from the new Martelly administration. Both the government's main audit agency and the ULCC issued damaging reports against Leandre and his administration of the multimillion dollar agency. The head of its employees' union hailed the move as a warning to other alleged wrongdoers and lamented that Preval had shielded Leandre from legal action.

There were frequent reports of corruption in the HNP. For instance, affluent prisoners at times obtained favorable conditions of detention. The HNP investigated some allegations of police malfeasance, leading to the arrest or termination of employment of very few officers.

There were reports of corruption and impunity in the electoral process. In October the media reported that an elected deputy in Port-au-Prince, Arnel Belizaire, was an escaped prisoner convicted of murder in 2004. The law provides immunity from prosecution for sitting legislators, but attorneys and human rights advocates asserted that immunity did not apply to previous convictions. Human rights NGOs alleged that Belizaire paid bribes to the CEP to overlook his conviction when he declared his candidacy. On October 27, authorities arrested Belizaire, and former prosecutor Felix Leger requested that the Chamber of Deputies lift his immunity. The chamber did not do so, and both chambers of parliament debated the legality of the arrest and summoned the minister of justice, Leger, and others. On November 28, the Senate heard a report placing responsibility for the arrest on Justice Minister Pierre-Louis. Both he and Leger resigned, and the Senate took no further action. The Chamber of Deputies was expected to take up the issue when it opened its regular session in January 2012.

The UCREF has responsibility for combating financial crimes. By law the president, the prime minister, cabinet ministers, other high-level public officials, and members of the HNP must declare assets. By the end of the year, only the former president and prime minister had complied with the law, according to press reports. Public officials who do not fulfill this obligation are subject first to a 50 percent reduction in salary, followed by suspension, until they file their statements. However, by the end of the year the government sanctioned no officials for failure to file the disclosures.

No law requires public access to government information.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. The government cooperated with the various human rights observation missions and generally acknowledged their views but disagreed on the most appropriate approach to addressing human rights issues.

U.N. and Other International Bodies.—The government permitted special missions and the continued presence of U.N. bodies and other international organizations such as the ICRC.

Government Human Rights Bodies.—The constitution provides a seven-year mandate to the OPC to protect individuals against any form of abuse by the government. In principle the OPC offered free legal assistance to any citizen who appeared before a court regarding a filed complaint, but in practice the organization lacked the funding, personnel, and capacity to provide these services to all those who sought them. The OPC took an active role in investigating allegations of government abuse and worked collaboratively with international organizations. In particular the OPC advocated strongly for the rights and better conditions of prisoners, especially juvenile prisoners in preventive detention. The OPC regularly visited prisons and detention facilities. The OPC also worked closely with NGOs and civil society groups representing and providing services to victims of gender-based violence.

The Chamber of Deputies and the Senate each had a human rights committee; however, neither committee published any reports or introduced any legislation during the year.

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

The law does not specifically prohibit discrimination on the grounds of race, gender, disability, language, or social status. It does provide for equal working conditions regardless of gender, beliefs, or marital status. However, no effective governmental mechanism administered or enforced these provisions.

Women.—Rape and Domestic Violence.—The law prohibits rape but does not recognize spousal rape as a crime. The penalty for rape is a minimum of 10 years of forced labor, increasing to a mandatory 15 years if the victim was less than 16 years old. In the case of gang rape, the maximum penalty is lifelong forced labor. Actual sentences were often less rigorous, and prosecution frequently was not pursued due to lack of reporting and follow-up on victims' claims. Of the 54 men convicted for rape in 2010-11, judges handed down sentences ranging from eight months to 15 years; one man—a priest—received life in prison. The criminal code excuses a husband who kills his wife or her partner found engaging in an act of adultery in his home, but a wife who kills her husband under similar circumstances is subject to prosecution.

In December MINUSTAH reporting from police station registers showed 470 allegations of rape, a drop of nearly 50 percent from 2010 that likely did not reflect a reduction in the incidence of rape, but rather a decline in the confidence of victims that their cases would be investigated if reported. Some NGOs reported a marked increase in the incidence of rape. U.N. reporting showed near daily incidents of domestic violence and rape. The HNP SGBV unit had few resources and no rape kits.

Rape and other forms of violence were a particular problem in the IDP camps, as they were in urban slums throughout the country. A host of factors in IDP camps contributed to the increased vulnerability of women and minors: flimsy tent doors, poor lighting, separated families, unfamiliar neighbors, the relative anonymity that hundreds of tents provide, the lack of effective law enforcement, and limited knowledge of and access to health and economic services. Teenage girls often had their own tents, perhaps reflecting family efforts to spread out among several tents in order to maximize the amount of goods and services they received from NGOs. An unfortunate side effect was that many young women and girls were placed in vulnerable situations.

Attorneys from the Bureau des Avocats Internationaux (BAI), who represent rape victims, said that authorities were fairly responsive to cases involving the rape of minors, as the law is clear and judicial measures already exist to deal with such cases, which are often accompanied by outrage from local communities. However, cases in which the offender was also a minor or in which the victim was an adult were often dropped or not effectively pursued, they said, because there were no clear legal or administrative structures to deal with such cases. They said authorities often "provisionally released" juvenile offenders in rape cases back to their parents.

According to BAI, in 63 of the 73 cases of rape received during the year, the victims were minors. BAI attorneys said barriers to reporting rape remained high and included stigmatization, fear of reprisal, and distrust of the judiciary and legal system. They also said there were wide disparities in access to and the quality of medical certificates from hospitals treating rape survivors. Multiple credible groups said that legal authorities often asked rape victims inappropriate questions, such as whether the victim was a virgin before the incident and what clothing the victim was wearing at the time of the alleged rape, a practice corroborated by the RNDDH. In some cases authorities advised victims against pressing charges in order to avoid the public humiliation of a trial. Having limited access to protection and shelters, survivors of rape and other forms of sexual violence faced obstacles in pursuing legal justice.

The law does not classify domestic violence against adults as a distinct crime. Women's rights groups and human rights organizations reported that domestic violence against women remained commonplace and underreported. Police rarely arrested the perpetrators or investigated the incidents, and the victims sometimes suffered further harassment and reprisals from perpetrators, sometimes prompting secondary displacement of victims within IDP camps. Judges often released suspects arrested for domestic violence and rape.

Sexual Harassment.—The law does not specifically prohibit sexual harassment, although the labor code states that men and women have the same rights and obligations. Data concerning sexual harassment in the workplace were not available, although observers suggested that sexual harassment was common. Such incidents went unreported because of high unemployment and because citizens had little confidence in the ability of the judicial system to protect them.

Reproductive Rights.—Couples and individuals have the legal right to decide the number, spacing, and timing of children and have the information and means to do so free from discrimination. Despite high levels of general knowledge of contraceptive methods, social, cultural, and legal barriers often impeded women from acquiring additional information on family planning methods and reproductive health care. In the largely conservative society, modern contraception is discouraged, and most men do not desire it. The most popular form of modern birth control was injection, because women did not have to declare it to their partners. A 2006 U.N. report showed a 37.5 percent unmet need for family planning, a trend that health-care professionals said persisted. Young sexually active women found it especially difficult to gain access to family planning services. Family planning services were often located in public health facilities such as hospitals but did not have private or confidential screening areas.

The U.N. Population Fund reported that only 25 percent of all deliveries occurred in health institutions. A 2006 Ministry of Health study showed that up to 85 percent of pregnant women reported at least one antenatal medical visit and 54 percent reported four or more antenatal visits. Most women used "matrons," often experienced but untrained local women, to help them give birth at home or in nonmedical facilities. Health-care professionals attributed this practice to the poor level and inconsistency of maternal services at hospitals and clinics. Pregnant women often went for an initial visit and discovered overcrowded facilities with untrained staff and insufficient medical supplies. While most women in rural provinces chose to deliver at home, many women in urban areas with access to professional delivery services also chose to deliver at home. A rough estimate based on U.N. World Bank, and local health professional estimates of health trends placed the maternal mortality rate between 300 and 670 per 100,000 live births, although this number could not be confirmed since no nationwide survey has been conducted since 2005. A combination of strict laws, unmet family planning needs, a high fertility rate, and a high level of unwanted pregnancies contributed to the high maternal mortality rate.

Women and men had equal access to diagnostic services and treatment for sexually transmitted infections, including HIV/AIDS.

Discrimination.—Women did not enjoy the same social and economic status as men. In some social strata, tradition limited women's roles. The majority of women in rural areas remained in the traditional occupations of farming, marketing, and domestic labor. Very poor female heads of household in urban areas also often faced limited employment opportunities, working in domestic labor and sales. Government and private sector employers seldom promoted women to supervisory positions.

Children.—Birth Registration.—Citizenship is derived through an individual's parents; only one parent of either sex is necessary to transmit citizenship. Citizenship can also be acquired through a formal request to the Ministry of the Interior. The government did not register all births immediately and did not keep statistics concerning the number of unregistered births each year. One government report estimated births of more than 10 percent of Haitians were not registered. Birth registry is free until the age of two, after which it can be difficult and expensive to get a birth certificate, particularly in the provinces. Another deterrent to birth registration is that the certificate states that the child is legitimate if born in wedlock, and "natural" if not, which can deter people from registering births to avoid stigmatizing the child.

Birth documents are legally necessary to open a bank account, apply for credit, gain admission to a hospital, and vote. Individuals without required birth documents were not denied emergency medical services or educational opportunities on that basis. Many official documents were destroyed in the earthquake. The National Archives saw its requests for certified copies of documents more than triple upon reopening after the earthquake, and the Office of National Identification faced long

lines for months as people sought to replace lost or damaged identification cards. Both institutions were overwhelmed by the demand but addressed the backlog incrementally.

Education.—Despite constitutional provisions proclaiming free and compulsory primary education for all children, neither primary nor secondary education was compulsory, free, and universal. There were approximately 1.5 million children between the ages of six and 12 in the country, only half of whom attended school. On October 3, President Martelly announced a plan to give access to free education to approximately 772,000 children in public schools throughout the country for the 2011-12 school year, through a combination of waiving school fees for an estimated 500,000 existing students and providing tuition for 250,000 new students. The U.N. Children's Fund and other international bodies also contributed millions of dollars to subsidize the cost of schooling. Many families who were not able to get their children into a public school paid for their children to attend private schools, which were generally unaccredited and unregulated.

Child Abuse.—The law prohibits domestic violence against minors. MINUSTAH reporting from police stations registered only 77 incidents of domestic violence against minors during the year compared with 300 incidents from January to October 2010. The lowered rate likely did not reflect a decrease in activity, but a decrease in reporting similar to that seen in rape cases. Governmental agencies and programs promoted children's rights and welfare, but the government lacked sufficient resources to support or enforce existing mechanisms adequately.

Credible sources reported that between 250,000 and 500,000 children worked as indentured household servants, or "restaveks" (see section 7.c.). Approximately 65 percent of these children were female, and nearly three-quarters of them worked as servants in the homes of relatives or family acquaintances.

Port-au-Prince's population of several thousand street children included many who were dismissed from or fled employers' homes or abusive families, but also some children who lost parents or caretakers in the earthquake. Almost 75 percent of street children were boys, according to estimates. NGOs reported that street children were likely to be sexually or otherwise abused, received little or no education, and were easily exploited by trafficking recruiters. Criminal gangs also reportedly enlisted minors to commit illegal acts. The Ministry of Social Affairs provided some assistance, such as food and temporary shelter, to street children.

The Institute of Social Welfare and Research (IBESR) is responsible for monitoring and accrediting more than 600 residential care centers but had limited resources with which to do so. Lack of sanitation, overcrowding, insufficient food, an absence of education, and poor adult supervision characterized many of these facilities. Allegations of sexual abuse by staff were not uncommon. Nearly all children's homes in the country were operating at or above capacity, according to the IBESR. There was extensive evidence that foreign adoption agencies and their clients helped informally fund some residential care centers that did not meet government standards for care of children for adoption.

Sexual Exploitation of Children.—The minimum age for consensual sex is 18. Inefficiencies in reporting and investigating allegations of rape contributed to uncertainties regarding penalties, if any, for statutory rape. Children also worked on the street and in IDP camps in prostitution. The U.N. reported that children were the victims in 60 percent of sexual gender-based violence cases reported in 2010. Recruitment of children for sexual exploitation, pornography, and illicit activities is illegal, but the U.N. reported that armed gangs in Port-au-Prince recruited children as young as 10. The law prohibits the corruption of youth under the age of 21 years, including by prostitution, with penalties ranging from six months' to three years' imprisonment.

International Child Abductions.—The country is not a party to the 1980 Hague Convention on the Civil Aspects of 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.—The Jewish community was very small, and 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 and laws do not explicitly prohibit discrimination against persons with physical and mental disabilities, and there were no reports of discrimination by the government against persons with disabilities in employment, education, access to health care, or the provision of other state serv-

ices. However, because of widespread and chronic poverty, a shortage of public services, and limited educational opportunities, persons with disabilities were severely disadvantaged.

The Secretariat of State for the Integration of Handicapped Persons (SEIPH) is the lead government agency responsible for providing assistance to persons with disabilities and ensuring that their concerns are taken into account, especially during the reconstruction phase. In practice the U.N. provided most of the coordination and NGOs provided most of services, with SEIPH acting primarily as an advocate within the government. SEIPH estimated there were 800,000 persons with disabilities, plus an estimated additional 5,000-10,000 as a result of injuries from the 2010 earthquake, including 5,000 new amputees. Only 3 percent of children with disabilities had access to schools. Handicap International provided comprehensive services to a limited number of persons including prostheses, psychosocial counseling, and training.

The conditions in the state hospital for mental illness were well below international standards, with patients often living in harsh conditions. Patients were frequently restrained in order to keep them from wandering, and many of them were kept isolated in small rooms without windows and without adequate or regular access to hygiene. Staff in the hospitals were insufficient to meet patients' needs and were often untrained for providing mental health services. As a group, people with mental illness or developmental disabilities were consistently marginalized, neglected, and abused in general society. For example, family members frequently tied up persons with cognitive disabilities or mental illness for long periods of time. There was a general stigma against all forms of mental illness. Much of this neglect and abuse stems from a lack of understanding of mental health, mental illness, and disability. A lack of quality mental health services, as well as a lack of advocacy and awareness-raising activities in support of this population, exacerbated and perpetuated the misunderstanding. There were only approximately 20 psychiatrists in the country, most of whose training and credentials were antiquated. Under such conditions the majority of the mentally ill did not receive adequate mental health services.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—While there were no confirmed reports of official discrimination against the lesbian, gay, bisexual and transgender (LGBT) community, domestic NGOs reported that LGBT persons faced widespread societal discrimination including social stigma, targeted physical violence, sexual assault, and employment insecurity. NGOs also reported that such persons did not report human rights violations due to fear of reprisal.

LGBT community members faced overt discrimination from law enforcement and judicial authorities, particularly in Port-au-Prince. An HIV-positive person called "Papouche" died in the National Penitentiary during the summer after being repeatedly raped and then denied medical treatment. Papouche became so desperate to protect himself in prison that, before becoming sick from infection, he repeatedly asked family members for condoms and lubrication to give to his assailants.

An LGBT advocacy group, Serovie, provided outreach, counseling, support, and at times legal intervention on behalf of the LGBT community. There were no laws criminalizing consensual same-sex conduct, but Serovie's leadership reported that its constituents faced daily harassment and frequent targeting by law enforcement authorities for violations of "public scandal" laws. According to Serovie, gay men faced an atmosphere of discrimination and, at times, violent rejection from the rest of society. The IBESR provided some limited support to the LGBT community and particularly to lesbians.

In Port-au-Prince, Serovie said police arrested Willio Gourdain and Angelot Pierre, two gay men, on August 13 after they were involved in a fight. Serovie said Gourdain owned a small clothing store in Petionville and was housing several other gay men, a common practice that allowed LGBT members to protect themselves more effectively. A local resident allegedly attacked Gourdain and his friends with a knife, but when police responded, local residents began throwing rocks at Gourdain and yelling slurs. After the arrest of the two, Serovie said the local judge and arresting police officer immediately contacted it to request bribes for their release, starting with 100,000 gourdes ($2,500) and eventually settling on 30,000 gourdes ($750), which Serovie paid out of fear the men would face a similar fate as Papouche in prison. On August 19, after being paid, authorities released the men, who returned to find the clothing store vandalized and looted.

LGBT community members in more rural provinces reported a far more tolerant and accepting attitude from their communities than was the case in urban centers such as Port-au-Prince. For example, in Artibonite Department some men were able to live openly as couples. The Artibonite is a major center for the Vodou faith and

contains three of Vodou's holiest sites. The longstanding tradition of acceptance of alternative lifestyles broadly speaking allowed some men to dress and live openly as women.

Serovie's targeted services reached an estimated 10,000 gay men during the year, suggesting that there was a significant LGBT community in need of support. Groups such as Serovie took concrete steps to build a support network and continue their efforts to reach a larger cross section of the LGBT community.

Other Societal Violence or Discrimination.—Vigilante reprisals remained a common practice, especially but not exclusively in rural areas with severely limited or nonexistent support from law enforcement and judicial authorities. From January to September, the RNDDH reported 28 Vodou priests or Vodou practitioners were killed after being accused of creating a powder to spread cholera. Citizens either decapitated or burned their victims to death. These accusations began to appear shortly after the outbreak of cholera in October 2010 and continued during the year.

Lynching remained a frequent practice with few or no legal repercussions, especially in relatively rural areas outside the capital. For example, the HNP recorded 113 cases of lynching, up from 83 in 2010, none of which resulted in an arrest. Citizens often retaliated against police officers, particularly after incidents in which a police officer used his firearm to shoot a suspect. There was also at least one case in which citizens lynched alleged criminals in defense of HNP officers, such as when a crowd killed two men who shot an HNP officer in Cap Haitien in October after he tried to stop them during a robbery.

Societal discrimination occurred against persons with HIV/AIDS, who were often associated with the LGBT community. There is an annual HIV awareness parade every December that many mistakenly associate with the LGBT community.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law allows some workers, excluding public sector employees, to form and join unions of their choice; provides for the right to strike, with restrictions; and allows for collective bargaining. The law requires that a union have a minimum of 10 members and register with the Ministry of Social Affairs and Labor within 60 days of its formation. It also requires that any union with more than 20 members obtain prior authorization from the government in order to be recognized.

The law limits legal strikes to four types: striking while remaining at post, striking without abandoning the institution, walking out and abandoning the institution, and striking in solidarity with another strike. Public utility service workers and public sector enterprise workers may not strike. The law defines public utility service employees as essential workers who "cannot suspend their activities without causing serious harm to public health and security." A 48-hour notice period is compulsory for all strikes, and strikes may not exceed one day.

The law prohibits antiunion discrimination by employers, who are liable to a monetary fine for each individual violation. The law does not require employers to reinstate workers illegally fired for union activity, although illegally fired workers have the right to recoup any compensation to which they are entitled.

The law does not cover freelance workers or workers in the informal economy, meaning the vast majority of workers nationwide, including agricultural workers, civil servants, miners, and domestic workers, were not protected by labor code regulations.

In practice the government made little effort to enforce labor laws. Under the supervision of the Ministry of Social Affairs and Labor, the courts are responsible for adjudicating minor conflicts. The courts were weak and ineffective, and the government did not enforce their judgments. There was one labor court in Port-au-Prince. In the provinces plaintiffs had the legal option to use municipal courts for labor disputes, but it was not clear that this was effective in practice.

In practice the exercise of freedom of association faced a number of challenges. Many trade unions were not independent organizations, but rather extensions of political parties. High unemployment rates and antiunion sentiment among some factory workers and most employers limited the success of union organizing efforts. During the year one apparel workers' union was formed. Shortly after its formation, six executive members of the union were dismissed. In its October report, the International Labor Organization's (ILO) Better Work program identified strong circumstantial evidence that the workers were fired because of their union affiliation. The three involved employers were unable to provide sufficient evidence to the contrary. By year's end five of the six union members had been reinstated.

Employers generally set wages unilaterally. There was one known example of collective bargaining in a factory. However, that collective bargaining agreement be-

tween the union and the employer did not comply with the law that workers must be paid 50 percent above the normal wage for all overtime hours worked.

Workers exercised the right to strike in practice. Despite the prohibition on public sector strikes, there were several during the year, usually related to the government's failure to pay staff. There was at least one case during the year in which workers were fired after striking at a garment factory. The government ruled that the strike was illegal because workers failed to give the required notice.

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. There were reports that forced or compulsory labor occurred in practice, namely instances of forced labor among child domestics, or restaveks.

In a limited number of cases, there was also credible evidence of a culture of intimidation and employer control over workers in the textile industry, including stationing of security guards at factory doors or gates; restrictions on exiting and on freedom of movement within the factory; nonpayment or underpayment of wages for overtime, including for overtime in excess of the legal limit; and limits on access to drinking water.

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 industrial, agricultural, or commercial companies is 15. The minimum age for apprenticeships is 14. The law prohibits young persons and children from performing any work that is likely to be hazardous, interferes with their education, or is harmful to their physical, mental, spiritual, moral, or social health and development, including the use of children in criminal activities. The law also prohibits minors from working under dangerous or hazardous conditions, such as mining, construction, or sanitation services, and prohibits night work in industrial enterprises for minors under 18.

There is no minimum age restriction for work in domestic service, and there are no legal penalties for employing children in domestic labor unless the nature or condition of domestic service harms their health, safety, or morals. The law requires employers to pay domestic workers over the age of 15, thereby allowing employers of domestic workers to use "food and shelter" as a means of unregulated compensation for those under 15. Although the law guarantees free and compulsory primary education for all children, children are only required to attend school for six years, making children ages 12 to 14 (who are not required to attend school but are also not legally allowed to work) particularly vulnerable to child labor, including the worst forms of child labor.

Young people ages 15 to 18 seeking employment must obtain a work authorization from the Ministry of Social Affairs and Labor, unless they are employed in domestic service. Companies that employ minors without work authorization risk punishment with fines of between 3,000 and 5,000 gourdes ($78 and $125).

The ministry, through its IBESR, is responsible for enforcing child labor laws. The government indicated that understaffing and a shortage of basic equipment, such as vehicles, hindered IBESR's ability to conduct effective child labor investigations. The government does not report statistics on investigations into child labor law violations or the penalties imposed. The Martelly government and the new head of IBESR showed a renewed sense of urgency regarding orphans, street children, and children being trafficked for the purpose of domestic service, marshaling police enforcement resources to rescue some trafficked children and shutting down several orphanages near the end of the year. The head of IBESR placed a full-page ad in the national newspaper warning orphanages and children's homes to register with IBESR by December 31 or face legal action. However, the lack of sufficient social protection programs and signed legislation to eliminate the worst forms of child labor continued to serve as a barrier to progress.

The HNP's Brigade for the Protection of Minors (BPM) is responsible for investigating crimes against children. The BPM has 35 officers and a system to refer exploited and abused children for social services. Although the BPM has the authority to respond to allegations of abuse and apprehend persons who have been reported to exploit child domestic workers, the BPM did not pursue restavek cases for investigation because there are no legal penalties against the exploitive forms of the practice.

Fierce adult competition for jobs ensured child labor was not a factor in the industrial sector. The ILO Better Work report also noted that there were improvements in procedures to prevent child labor in garment factories, primarily related to better implementation of age verification procedures in factories. However, children under the age of 15 commonly worked in the informal sector to supplement family income.

Activities and sectors in which children worked included domestic work, subsistence agriculture, and street trades, such as selling goods, washing cars, serving as porters in public markets and bus stations, and begging. Children also worked with parents on small family farms, although the high unemployment rate among adults kept significant numbers of children from employment on commercial farms.

The worst forms of child labor, particularly in domestic service, continued to be problematic and endemic. An estimated 250,000 to 500,000 children were employed in domestic work as restaveks. A 2009 survey estimated that 225,000 children worked as restaveks in urban areas of the country. The majority of restaveks were girls between the ages of six and 14. Exploitation of restaveks typically included families forcing them to work excessive hours on physically demanding tasks without pay or adequate food, not sending them to school, and subjecting them to physical or sexual abuse. Girls were often placed in domestic servitude in private urban homes, while boys more frequently were exploited for labor on farms. Restaveks who did not run away from families usually remained with them until age 14. Many families forced restaveks to leave before age 15 in order to avoid paying them wages as required by law. Others ignored the law, often with impunity.

Children working on the streets were exposed to a variety of hazards, including severe weather, vehicle accidents, and crime. The thousands of individuals displaced or orphaned by the 2010 earthquake likely increased the number of both restaveks and street children. Estimates of the number of street children nationwide varied greatly but generally placed the number at 50,000 or higher. Abandoned and runaway restaveks constituted a significant proportion of the large population of children living on the street, many of whom were forced into prostitution or street crime by criminal gangs, while others became street vendors or beggars.

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 daily minimum wage was 150 gourdes (approximately $3.75) in the textile sector and 200 gourdes (approximately $5.00) in the commercial and industrial sectors. Workers paid at a piecework rate received a minimum of 200 gourdes per day. For all other industrial and commercial work, the daily minimum wage was fixed at 200 gourdes for eight hours of work.

The law sets the standard workday for industrial, commercial, and agricultural establishments at eight hours and the workweek at 48 hours, with 24 hours of rest and paid annual holidays. It also provides for the payment of overtime and prohibits excessive compulsory overtime. However, the law grants exemptions to health-care, lodging, food and beverage, and entertainment establishments; managerial positions; and family establishments that employ only family members. The Labor Directorate may grant exemptions for other employers not specifically exempted by the law. The law is also silent with respect to prohibiting overtime for public sector employees. Labor law is very vague regarding domestic workers' rights including working hours, salary, vacation, and severance. The law establishes minimum health and safety regulations.

Although the Ministry of Social Affairs and Labor is charged with enforcement, laws on the minimum wage, standard workweek, premium pay for overtime, prohibition of excessive compulsory overtime, and occupational safety and health were not effectively enforced. Penalties were not sufficient to deter violations and were often not applied. The ministry's capacity to enforce violations was limited by human resource and other constraints. Estimates of the number of labor inspectors varied widely. Whatever their actual number, labor inspections were considered ineffective for a number of reasons including a lack of funding, questionable professionalism, and a lack of effective regulatory enforcement.

The ILO Better Work report noted significant problems in regard to overtime as a condition of work. In eight factories the employer did not comply with limits on overtime hours worked. In these cases workers performed overtime work of more than 80 hours during a three-month period, which is the limit stated in the labor code. There were findings of factories not requesting authorization for overtime work (three factories) or Sunday work (four factories) as the law requires. Many factory managers submitted letters addressed to the Ministry of Social Affairs and Labor requesting authorization to perform overtime and/or to work on Sunday; however, at year's end they were still waiting for the ministry's authorization. In these cases the government considered the factories to be in compliance because they requested the authorization according to the law.

Most citizens worked in the informal sector and subsistence agriculture, for which minimum wage legislation does not apply, and where daily wages of 20-30 gourdes ($0.50-0.75) were common. Many women worked in domestic service, which was also exempted from minimum wage legislation. Due to staff shortages and special events,

salaried HNP officers sometimes worked 12-hour shifts six days per week and received no overtime, although they received standardized bonuses at year's end.

The industrial and assembly sectors largely observed occupational safety and health guidelines. However, in part due to increased third-party oversight of textile factories, there were increased reports of noncompliance regarding minimum wage, daily breaks, health services and first aid, and worker protection. In some garment factories, supervisors reportedly forced workers employed under a quota system to work overtime by such tactics as closing the factory doors until quotas were met. There was improvement in several of these areas, but overall compliance remained low, and there were industry-wide problems in the areas of minimum wage, employment contracts, occupational safety and health, and working hours.

No group collected formal data, but unions alleged job-related injuries occurred frequently in the construction and public works sectors. Although they have the legal right to do so, in practice workers could not remove themselves from dangerous work situations without jeopardizing their continued employment.

HONDURAS

EXECUTIVE SUMMARY

Honduras is a constitutional, multiparty republic. Following November 2009 elections, which the international community generally recognized as free and fair, Porfirio "Pepe" Lobo assumed the presidency in January 2010 and formed a government of national unity including all five registered political parties. Security forces reported to civilian authorities, but there were instances in which elements of the security forces acted independently of civilian control.

Among the most serious human rights problems were corruption within the national police force, institutional weakness of the judiciary, and discrimination and violence against vulnerable populations.

Police and government agents committed unlawful killings. Vigilantes and former members of the security forces carried out arbitrary and summary killings. There continued to be reports of killings of agricultural workers, private security guards, and security forces related to a land dispute in the Bajo Aguan region. Other human rights problems included harsh prison conditions, violence against detainees, lengthy pretrial detentions and failure to provide legal due process, child prostitution and abuse, trafficking in persons, ineffective enforcement of labor laws, and child labor.

The government took important steps to strengthen respect for human rights and promote national reconciliation, as well as to prosecute and punish officials who committed abuses. However, corruption and impunity were serious problems that impeded the effectiveness of the National Police.

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

a. Arbitrary or Unlawful Deprivation of Life.—There were reports that members of the security forces committed arbitrary or unlawful killings. For example, on October 31, eight police officers were charged with the October 22 killing of two National Autonomous University of Honduras students, Carlos David Pineda and Rafael Alejandro Vargas, and the ensuing cover-up. Police officers allegedly followed the students as they were leaving a discotheque and shot at the car in which they were traveling, wounding Vargas. Both victims were then moved to another location and executed. On November 3, the first hearing in the case was held; four of the eight police officers—Martin Orlando Ortez, Jose Manfredo Funez, Gabriel Donato Mancia, and Wilson Roberto Cordova—were arrested and at year's end were in prison awaiting trial. A fifth officer, Jose Ruben Pozo, turned himself in on December 7 and also was in prison. The final three suspects—Carlos Geovanny Galeas, Wilfredo Figueroa, and Santos Arnulfo Padilla—were at large after being granted 48 hours of leave on October 28 by the director of the Metropolitan Police, Jorge Alberto Barralaga.

On December 7, unknown gunmen on a motorcycle shot and killed former senior government adviser for security Alfredo Landaverde. In the weeks preceding his death, Landaverde had publicly called for cleaning up the National Police and alleged that its leadership was linked to organized crime. An investigation into his death continued at year's end.

During the year confrontations over a long-standing land dispute between owners of African palm plantations and rural field workers in the Aguan Valley, Colon Department, resulted in the deaths of or injuries to approximately 55 persons, including field hands, private security guards, security force members, one judge, and by-

standers. At year's end responsibility for all but two of these deaths had not been established. Human rights groups alleged that police, soldiers, and private security guards used disproportionate force against the protesting workers. On August 15, approximately 200 unknown gunmen attacked a group of private security guards, killing four and wounding 11. An investigation into the attack continued at year's end. On August 20 and 21, two leaders of field worker collectives, Secundino Vallecillo and Pedro Salgado, were killed in separate attacks. Two suspects were apprehended for the killing of Salgado and his common-law wife, Irene Licona.

The country had an extremely high homicide rate, registering 82 murders per 100,000 inhabitants during the year. The Department of Colon saw an increase of 17 percent in homicides compared with 2010. In response to the continuing violence in the Bajo Aguan region, the Secretariat of Security deployed a combined force of approximately 500 military and police to augment security forces in the region. In October the secretariat established a Human Rights Observatory as part of the security force deployment. In addition, in September the government facilitated a land purchase agreement that would allow the agricultural collectives to purchase land in the region that would be managed by a trust. Despite the agreement, on September 16, a government security force came under attack, leaving two security force members dead and several more injured.

As of year's end no date had been set for the trial of the police chief of Siguatepeque and seven other police officers accused of homicide, torture, and illegal detention in the June 2010 death of Mario Orlando Sequeira.

An arrest warrant was issued in March 2010 for Moises Lopez Benitez for the 2009 shooting and subsequent death due to injuries of Angel Salgado after he drove through a military roadblock enforcing a curfew in Tegucigalpa. At year's end his whereabouts were unknown.

b. Disappearance.—There were no reports of politically motivated disappearances. However, some disappearances, including of minors, were believed to have been criminally motivated abductions, while others were attributed to voluntary acts of persons leaving the country for employment or to escape death threats. During the year there were 32 such cases, compared with 71 in 2010.

On July 25, police detained Jose Santos Varela Vasquez at a substation in a market in Tegucigalpa and reportedly took him to three different police stations, where officers repeatedly beat him. Police records showed that he was released the next day, but his family contended that his signature for release was forged. His body was found on August 12. The case was under investigation at year's end.

As of year's end authorities had not presented indictments of four suspects identified in the February 2010 kidnapping of Manuel de Jesus Murillo and Ricardo Rodriguez, camera operators for Globo TV.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the constitution and law prohibit such practices, there were instances in which the police and military employed them, including police beatings and other abuse of detainees. In September the government created the National Committee and Advisory Council against Torture and Cruel, Inhuman, and Degrading Treatment in compliance with the Optional Protocol of the U.N. Convention against Torture to address this problem.

On January 15, 20 unidentified heavily armed men wearing military uniforms broke into a private residence without a warrant and reportedly kicked and applied electric shocks to the inhabitants. The attackers later handcuffed the victims, took them to a wooded hill, and continued to beat them. One of the victims escaped and filed a report with the special prosecutor for human rights. An investigation into the case continued at year's end.

Prison and Detention Center Conditions.—Prison conditions were harsh and at times life threatening. Human rights groups reported that prisoners suffered from severe overcrowding, malnutrition, and lack of adequate sanitation, although they had access to potable water. Due to overcrowding and lack of adequate training of prison staff, prisoners were subject to various abuses, including rape by other inmates. There were reports that prisoners were tortured or otherwise abused in, or in transit to, prisons and other detention facilities.

The ready access of prisoners to weapons and other contraband, impunity for inmate attacks on nonviolent prisoners, inmate escapes, and threats by inmates and their associates outside prisons against prison officials and their families contributed to an unstable and dangerous penitentiary system environment. Human rights organizations charged that prison officials used excessive force against prisoners, including beatings, as well as isolation and threats.

During the year 49 inmates reportedly died due to violence. Authorities held prisoners from rival gangs in different facilities or in different areas of the same prison

to reduce intergang violence and developed a more efficient classification system to identify potentially violent prisoners.

Persons with mental illnesses, as well as those with tuberculosis and other infectious diseases, were held with the general prison population. Authorities at the Dr. Marco Aurelio Soto National Penitentiary at Tamara reported that, while their facility was the only prison in the country with an antiretroviral treatment program, the facility did not have necessary materials to test for or diagnose HIV/AIDS, tuberculosis, or diabetes. For the nearly 3,000 inmates held at Tamara, there was only one dentist, and the surgical facility lacked anesthesia, surgical gloves, and needles.

The country had 25 prisons—24 for men or mixed populations and one exclusively for women. The total prison population was 11,660, of which an estimated 400 were women. Authorities reported that the men's section of the Tamara complex, with a designed capacity of 1,500, held 2,781 male inmates.

Two juvenile prisons, operated under the supervision of the Honduran Institute of the Child and Family, held 164 inmates at year's end. Judges tended to place minors in detention centers in the absence of other educational or reform programs.

Female prisoners generally were held in separate facilities under conditions similar to those of male prisoners but, unlike their male counterparts, did not have conjugal visit privileges. At certain lower-security prisons, women were held with the general population. Children up to the age of two were permitted to stay with their mothers in prison. Authorities often held pretrial detainees together with convicted prisoners. Minors were sometimes held with adults.

Authorities generally permitted inmates to have reasonable access to visitors and religious services of their choice. Authorities permitted inmates to submit complaints to judicial authorities without censorship and request investigation of credible allegations of inhuman conditions. The director of prisons held meetings with human rights organizations. While the government did not directly monitor prison conditions, the National Police and the Secretariat of State of Security investigated credible allegations from prisoners or NGOs regarding inhumane conditions. Investigations resulted in written reports, which were available to the public. The government generally permitted prison visits by independent local and international human rights observers, including the International Committee of the Red Cross.

According to the National Directorate of Special Preventive Service, the national commissioner on human rights, who performs some of the functions of an ombudsman, does not serve on behalf of prisoners and detainees. Instead, public defenders and judges served on behalf of prisoners for such matters as seeking alternatives to incarceration for nonviolent offenders to alleviate overcrowding; addressing the status and circumstances of confinement of juvenile offenders; or improving pretrial detention, bail, and recordkeeping procedures to ensure that prisoners do not serve beyond the maximum sentence for the charged offense.

The Secretariat of Security continued a major prison reform program that began in 2010 involving the construction of new facilities to reduce overcrowding, separate the most dangerous prisoners from nonviolent offenders, and promote rehabilitation. In October the government opened a new maximum-security prison near Tegucigalpa with a capacity of 220 and began transferring prisoners to the facility.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, but authorities at times failed to enforce these prohibitions effectively (see section 1.b.).

Role of the Police and Security Apparatus.—The Secretariat of Security oversees police operations, including those of the National Police, National Preventive Police, Transit Police, Frontier Police, Tourist Police, and Prison Police

The Directorate of Internal Affairs of the National Police was removed from the National Police in November following the alleged attempted cover-up of the alleged police killings of Carlos David Pineda and Rafael Alejandro Vargas (see section 1.a.). On November 30, the National Congress created a new external entity charged with police oversight, the Directorate General of Investigation and Evaluation of the Police Career, and named Oscar Manuel Arita director of the new investigative body.

Corruption and impunity were serious problems that impeded the effectiveness of the security forces. At the end of August, there were 455 ongoing investigations of police officers in relation to administrative and criminal complaints, including conduct not befitting an officer, abuse of authority, police brutality, robbery, and homicide. Before it was dismantled, the Internal Affairs Directorate completed 145 investigations of police accused of abuses and began legal proceedings in 43 of those cases, an increase of 26 percent compared with 2010.

During the year the National Police Academy provided 150 hours of human rights training to students at the Honduran Police National University, 120 hours to the

National Police Academy, 60 hours to the Officers Candidate School, and 10 hours to the Police Technology Institute.

In January a special victims task force was created to address violent crimes against vulnerable communities, including members of the press and the lesbian, gay, bisexual, and transgender (LGBT) community. By the end of October, the efforts of this unit had led to four arrests and two warrants for arrest.

In September Alba Castaneda, who had close ties to the human rights community, was appointed vice minister of security. She subsequently initiated continuing education in human rights training provided to the National Police.

In October the Secretariat of Defense began reviewing a proposal for a comprehensive human rights initiative aimed at strengthening human rights training in the armed forces.

Gang violence and intimidation, notably on public transport, remained serious problems. To combat these problems, the Secretariat of Security funded and installed 134 security cameras during the year along public transit routes and inside public buses.

Arrest Procedures and Treatment While in Detention.—The law provides that police can arrest a person only with a court order, unless the arrest is by order of a prosecutor or is made during the commission of a crime, when there is strong suspicion that a person has committed a crime and may try to evade criminal prosecution, or when the person is caught with evidence related to a crime. The law requires police to inform a person of the grounds for arrest and bring a detainee before a competent authority within 24 hours. It stipulates that the prosecutor has 24 hours to decide if there is probable cause for an indictment. A judge then has 24 hours to decide whether to issue a temporary detention order that may last up to six days, by which time the judge must hold a pretrial hearing to examine probable cause and decide whether pretrial detention should continue. The law provides for bail for persons charged with some felonies and the right of prisoners to have prompt access to family members. Authorities generally respected these provisions. Although the law also provides prisoners the right of prompt access to a lawyer of their choice, and, if indigent, to state-provided counsel, authorities did not always follow these requirements.

Arbitrary Arrest.—The constitution and law prohibit arbitrary arrest and detention, but authorities at times failed to observe these prohibitions.

Pretrial Detention.—Lengthy pretrial detention was a serious problem. Forty-eight percent of prison inmates had been formally sentenced, while 52 percent had either not started or completed their trials. The law mandates the release from prison of detainees whose case has not come to trial and whose time in detention has exceeded the maximum prison sentence for the crime of which they are accused. As a result of trial delays, that limit was exceeded for many pretrial detainees. Many prisoners remained in prison after being acquitted or having completed their sentences due to the failure of officials to process their releases. Judicial inefficiency, corruption, and insufficient resources contributed to delays.

e. Denial of Fair Public Trial.—Although the constitution and law provide for an independent judiciary, the judicial system was poorly funded and staffed, inadequately equipped, often ineffective, and subject to patronage, corruption, and political influence.

Low wages and lack of internal controls rendered judicial officials susceptible to bribery, and powerful special interests exercised influence on the outcomes of court proceedings. To begin addressing these problems, in 2010 Congress made permanent the Interinstitutional Commission of Penal Justice with the purpose of performing judicial oversight. In September the Supreme Court created a division of the commission to focus on human rights cases reported since the 2009 coup.

In October the Supreme Court dismissed charges of abuse of authority against the former armed forces chief of staff and five other members of the Joint Staff for executing an arrest warrant issued for former president Jose Manuel Zelaya and denying him due process by exiling him to Costa Rica. The court declared that the defendants' actions were justified due to a "state of necessity" to avoid violence.

In September the Judicial Career Council delivered a verdict regarding the July 2010 petition for reinstatement presented by four judges who were members of the anticoup organization Judges for Democracy. The council ruled that only one of the judges, Ramon Barrios Maldonado, was eligible for reinstatement. The remaining judicial officers had a complaint pending with the Inter-American Commission on Human Rights (IACHR) at year's end. Domestic and international civil society groups alleged that the June 2010 dismissals were in retaliation for the anticoup activism by the judges.

Trial Procedures.—By law an accused person is presumed to be innocent. Jury trials are not used, but the accused has the right to have an initial hearing by a judge, ask for bail, consult with legal counsel in a timely manner, have a lawyer provided by the state if necessary, and request an appeal. The law provides for the right to a fair public trial for all citizens; permits defendants to confront or question witnesses and present witnesses and evidence on their behalf; and provides defendants access to government-held evidence relevant to their cases. However, these rights were frequently not observed.

Common challenges to criminal prosecutions included a lack of credible evidence presented by the prosecution, lack of witness protection, widespread public distrust in the legal system, and judicial corruption.

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

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary that is available to citizens seeking civil remedies for human rights violations. A litigant can bring civil charges when the criminal court determines that damages may be sought. The government increased the budget of the special prosecutor for human rights from 11.7 million lempiras ($617,000) in 2010 to 16 million lempiras ($844,000). In addition, the special prosecutor for human rights was allotted an additional six prosecutors, bringing to 19 the total number of prosecutors dedicated solely to allegations of human rights abuses by government actors. Citizens may file complaints with the IACHR.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—Although the constitution and law generally prohibit such actions, a legal exception allows entry into a private residence at any time in an emergency or to prevent the commission of a crime. There were credible charges that police occasionally failed to obtain the required authorization before entering a private home.

Garifuna representatives and other ethnic minority rights leaders continued to complain that the government failed to redress previous actions by private and public security forces that dislodged farmers and indigenous groups that claimed ownership of lands based on land reform laws or ancestral titles to property (see section 6).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The constitution and laws provide for freedom of speech and press, and the government generally respected these rights in practice. In May the government repealed a state of siege law that permitted the suspension of civil liberties. However, the news media continued to suffer from vulnerability to special interests and weak professionalism in reporting and analyzing news. A small number of powerful business magnates with intersecting commercial, political, and family ties owned most of the news media and substantially influenced the political and factual content of reporting in their publications.

Violence and Harassment.—In contrast with 2010, killings of journalists decreased, but harassment of journalists increased. Both problems remained serious concerns. During the year there were reports that unknown actors killed five journalists and one media executive. There also were reports of harassment and intimidation of other members of the media, their families, and NGOs; some journalists and NGOs believed that security forces were involved in these acts.

On December 22, Leonel Espinoza, the local correspondent for the Colombian news channel NTN, was stopped at gunpoint by a National Preventive Police unit, forcibly removed from his vehicle, handcuffed, and briefly detained. Espinoza believed the motivation for his detention was to intimidate him because of his reporting on corruption in the National Police. At year's end an investigation continued.

On May 10, two unidentified men shot and killed Hector Francisco Medina near his home in Morazan, Yoro. He had been the subject of threats for six months before his death, reportedly related to his investigative reporting on alleged corruption in city government and regional land disputes. At year's end a police investigation continued. Medina's family reported that it continued to receive threats.

On December 5, unknown gunmen attacked the Tegucigalpa offices of the newspaper La Tribuna, injuring a security guard. NGOs and La Tribuna officials believed the motive was the newspaper's reporting of alleged police involvement in the killings of two university students (see section 1.a.). At year's end an investigation continued.

At year's end the case against police officer Hector Tercero, charged with abuse of authority, illegal detention, and harassment in connection with the detention of Aguan television Channel 5 director Nahum Palacios, remained under appeal, and

an investigation continued. In March 2010 unknown assailants shot and killed Palacios.

On October 31, Marcos Joel Alvarez Barahona, tried for the June 2010 fatal shooting of journalist David Enrique Meza in La Ceiba, was absolved of the crime. At year's end an investigation continued.

Jhonan Joseph Cockborn, arrested in July 2010 for the murder of journalist Jorge Alberto Orellana, remained in detention awaiting trial. Investigations of the March 2010 deaths of Joseph Antony Hernandez and other journalists continued at 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.—Freedom of Assembly.—The constitution and law provide for freedom of assembly, and the government generally respected these rights in practice. There were, however, allegations from NGOs that police used excessive force in responding to demonstrations.

Between March 17 and April 1, there were protests led by teachers' unions that involved from several hundred to several thousand protesters. The protests were sometimes violent, and police used tear gas and water cannons in response to demonstrators, who threw Molotov cocktails and rocks. The altercations resulted in 15 cases of alleged human rights violations reported to the special prosecutor for human rights.

Freedom of Association.—The constitution and law generally provide for freedom of association, and the government generally respected this right in practice. The penal code prohibits illicit association and prescribes prison terms of two to four years and a fine of 30,000 to 60,000 lempiras ($1,580 to $3,160) for anyone who convokes or directs an illicit meeting or demonstration, defined as those attended by persons bearing arms, explosive devices, or dangerous objects with the purpose of committing a crime. The penal code prescribes prison terms between 20 and 30 years and a fine of 100,000 to 300,000 lempiras ($5,280 to $15,800) to heads of gangs or other groups that associate to commit a crime. Human rights organizations continued to criticize the law and its implementation as an undue restriction on the right to associate freely. LGBT advocacy groups continued to express concerns that the law could be used to criminalize social activities and organizations of the LGBT community.

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

The law prohibits forced exile, and the government did not use forced exile in practice. However, several NGOs reported that certain members went into exile in response to death threats they had received.

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

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 nearly universal suffrage. The law does not permit active members of the clergy and of the military and civilian security forces to vote.

Elections and Political Participation.—Recent Elections.—In January 2010 Porfirio "Pepe" Lobo assumed office for a four-year presidential term following elections in November 2009 that international observers considered to be generally free and fair.

Participation of Women and Minorities.—The law states that at least 30 percent of candidates from each party for national election should be women. Women held

25 of 128 seats in the National Congress, and 30 women were alternate members. Six women sat on the 15-member executive board of congress, and 12 presided over congressional committees. One of three presidential designates in the government with equivalent status to that of a vice president was a woman. There were three female cabinet members: the secretaries of state for justice and human rights, for tourism, and for social development.

The National Congress had one Misquito community member and one Afro-Honduran member. The cabinet-level minister of the Secretariat of State for Indigenous and Afro-Honduran Affairs was an Afro-Honduran.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for corruption, but authorities did not effectively implement the law. Despite sustained improvement, government institutions were subject to corruption and political influence, and some officials engaged in corrupt practices with impunity.

There was a widespread public perception that the anticorruption institutions had not taken sufficient steps to contain corruption and were unwilling or lacked the professional capacity and the resources to investigate, arrest, and prosecute those involved in high-level corruption.

On June 27, the Preventive Police took control of security operations at Puerto Cortes from the federal government-run National Port Company (ENP) as a result of findings by a presidential commission investigating charges of corruption, waste, and mismanagement in the port's operations. ENP general manager Maynor Pinto and his deputy, Mario Coto, were suspended as a result of the investigation and replaced with a high-level commission headed by a vice minister. The commission presented its findings to the president in November. At year's end the report had not been made public, but charges were brought against Pinto before the Supreme Court of Justice, and authorities were investigating the allegations against Coto.

On June 15, a judge hearing two of four criminal cases pending against Enrique Flores Lanza, former secretary of state in the Presidential Office in the administration of former president Jose Manuel Zelaya, ordered that Flores Lanza be put under house arrest and pay 27 million lempiras ($1.4 million) for bail, reportedly the largest bail amount in the country's history. In November Lanza won an appeal that suspended the bail requirement and released him from house arrest. The charges against Lanza included fraud, falsification of public documents, abuse of authority, and use of falsified public documents. In one of the other two cases lodged against Flores Lanza, an appeal by the prosecution to remove the judge hearing the case was dismissed in September.

Public officials are subject to financial disclosure laws. The Public Ministry, police investigative services, and Superior Accounting Tribunal are the government agencies responsible for combating corruption. There is an anticorruption interinstitutional working group composed of the Superior Accounting Tribunal, Office of the Solicitor General, Public Ministry, Supreme Court, Institute for Access to Public Information (IAIP), National Commission of Human Rights, and Anticorruption Council.

The government allowed access to public information for citizens and noncitizens, including foreign media, through the IAIP. The institute operates a Web site for citizens to request information from government agencies and is responsible for ensuring that government institutions comply with the government transparency rules and practices for permitting access to public information. If a government agency denies a request for public information, a party can submit a claim to the IAIP, which has the authority to grant a resolution, including sanctioning noncompliance with fines. During the year IAIP staff travelled nationwide to increase public awareness of the Law on Transparency and Access to Public Information. The IAIP received 61 appeals in 2010 and more than 300 in 2011, most related to a request from an NGO for information on how the 128 members of the National Congress spent their subsidies during the 2006-10 congressional session. The IAIP ruled in favor of the NGO and was working with the National Congress to release the information.

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

A wide variety of domestic and international human rights groups operated in the country, investigating and publishing their findings on human rights cases. Government officials generally cooperated with domestic and international NGOs. For example, on August 30, the government requested that the Office of the U.N. High Commissioner on Human Rights open an office in the country.

Government Human Rights Bodies.—On July 7, in accordance with the Tegucigalpa-San Jose Accord, the Truth and Reconciliation Commission issued its report on the 2009 coup. The commission consisted of three international and two Honduran commissioners and was independent and adequately resourced. Commission members travelled to all of the country's 18 departments and interviewed 37 of the crisis' main actors (with the exception of former president Jose Manuel Zelaya, who declined to meet with the commission), 250 alleged victims of human rights abuses, and 180 other key participants. It also conducted 125 town hall-style meetings. The commission issued 84 recommendations, including recommendations to improve the constitution, respect for human rights, and combat against corruption. In November the government established a unit under the Secretariat of Justice and Human Rights to oversee implementation of the recommendations.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, but it was not effectively enforced. Political, military, and social elites generally enjoyed impunity under the legal system. Women and other vulnerable groups continued to suffer social and economic discrimination.

Women.—Rape and Domestic Violence.—The law criminalizes all forms of rape, including spousal rape. With the exception of spousal rape, which is evaluated on a case-by-case basis, rape is considered a public crime. A rapist can be prosecuted even if the victim does not press charges. The penalties for rape range from three to nine years' imprisonment, and the courts enforced these penalties in practice. Rape was reportedly a serious and pervasive societal problem and continued to be underreported due to fear of stigma, retribution, and further violence. At year's end police reported receiving 216 cases of rape and other sexually related crimes against women.

The law criminalizes domestic violence, the penalty for which is imprisonment for between two and four years. The only legal sanctions for lesser forms of domestic abuse are community service and 24-hour preventive detention if the violator is caught in the act. The law provides a maximum sentence of three years' imprisonment for disobeying a restraining order connected with the crime of intrafamilial violence. In many cases victims were reluctant to press charges against abusers, and authorities did not enforce the law effectively.

Violence against women and impunity for perpetrators continued to be serious problems. The National Criminal Investigation Division reported it was investigating 3,148 complaints of domestic abuse and 473 killings of women (of more than 6,723 male and female victims of homicide). There were three government-operated domestic violence shelters in Choluteca, La Ceiba, and Copan. NGOs operated shelters in Santa Rosa de Copan, Juticalpa, and Tegucigalpa. The government provided insufficient financial and other resources to enable these facilities to operate effectively. However, in cooperation with the U.N. Development Program, the government opened a consolidated reporting center in La Ceiba where women could report a crime, seek medical and psychological attention, and receive other services.

Sexual Harassment.—The law prohibits sexual harassment in the workplace and provides penalties of one to three years' imprisonment, but the government did not effectively enforce the law. Government agencies and the National Institute of Women promoted enforcement of the law through campaigns to encourage public reporting of sexual harassment.

Reproductive Rights.—Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children. Information about access to contraception was widely available, and access to contraception was free from discrimination, violence, or coercion. Skilled attendance, including essential obstetric, prenatal, and postpartum care before and during childbirth, and access to maternal health services were available only to those who could afford it. According to the U.N. Population Fund, only 67 percent of births were attended by trained medical personnel, and in 2008 the maternal mortality rate was 110 deaths per 100,000 live births.

Discrimination.—Although the law accords women and men equal rights, including property rights in divorce cases, in practice women did not enjoy such rights. Most employed women worked in lower-status and lower-paid informal occupations, such as domestic service, without legal protections or regulations. Women were represented in small numbers in most professions, but cultural attitudes limited their career opportunities. By law women have equal access with men to educational opportunities. The law requires employers to pay women equal wages for equivalent work, but employers often classified women's jobs as less demanding than those of men to justify women's lower salaries. Workers in the textile export industries con-

tinued to report that they were required to take pregnancy tests as a condition for employment.

The National Institute for Women develops government policy on women and gender. In addition, the federally sponsored National Plan on Equality and Gender Equity works to incorporate objectives to achieve gender equity. The NGO Center for the Rights of Women actively addressed women's issues.

Children.—Birth Registration.—Birth registration was widely available. Citizenship is derived by birth within the territory, from one's parents, or by naturalization.

Child Abuse.—Child abuse was a serious problem. The law establishes prison sentences of up to three years for persons convicted of child abuse. The Permanent Commission on Protection for the Physical and Moral Well-Being of Children, coordinated by the Secretariat of State of Interior and Population, coordinates public and private entity efforts to combat child abuse.

Police, gangs, and members of the general public engaged in violence against poor youths and children. Human rights groups alleged that individual members of the security forces and civilians used unwarranted lethal force against supposed habitual criminals, suspected gang members, and other youths not known to be involved in criminal activity.

Sexual Exploitation of Children.—Trafficking in children for commercial sexual exploitation and child prostitution were problems. Penalties for facilitating prostitution are between nine and 15 years in prison and a fine ranging between 50,000 and 100,000 lempiras ($2,640 and $5,280). The penalty increases by half if the victim is less than 18 years of age. There is no statutory rape law, but the penalty for rape of a minor under the age of 12 is between 15 and 20 years in prison and between nine and 13 years if the victim is 13 or older. The law prohibits the use of children under the age of 18 for exhibitions or performances of a sexual nature and in the production of pornography. The country continued to be a destination and transit point for child prostitution.

Casa Alianza operated three shelters (with a daily capacity of 180 children) for victims of commercial sexual exploitation, street children, and children with substance abuse problems, and it provided vocational and educational training for the parents of 365 children at risk. The government provided a hotline where reports of suspected crimes against children could be conveyed directly to investigative authorities.

International Child Abductions.—The country is 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.

Anti-Semitism.—The Jewish community, located primarily in San Pedro Sula, numbered approximately 1,000. 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 the provision of other state services. Enforcement is the responsibility of the Secretariat of Labor and Social Security (STSS) ; however, it focuses primarily on workplace safety and pay issues. Statutory provisions make it illegal for an employer to discriminate against a worker based on disability. There were no verifiable reports of discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. The law requires access to buildings for persons with disabilities. In practice few buildings were accessible, and the federal government did not effectively implement laws or programs to ensure such access. The government has a disabilities unit in the Secretariat of Social Development and a special commissioner for disabilities in the Secretariat of the Presidency.

Indigenous People.—Approximately 621,000 persons, constituting 8 percent of the general population, were members of indigenous and other ethnic minority groups. These groups, including the Misquitos, Tawahkas, Pech, Tolupans, Lencas, Maya-Chortis, Nahual, Bay Islanders, and Garifunas, lived in 362 communities and generally had little or no political power to make decisions affecting their lands, cultures, traditions, and the allocation of natural resources.

Most indigenous lands were owned communally, providing land-use rights to individual members of the ethnic community. Indigenous land titles often were defined poorly in documents dating back to the mid-19th century. Lack of a clear title allowed encroachment and expropriation conflicts by landless nonindigenous settlers,

powerful business elites, and government entities interested in exploiting coastlines, forests, and other lands traditionally occupied or utilized by indigenous and other ethnic minority communities. Indigenous and nonindigenous communities criticized the government's alleged complicity in the exploitation of timber and other natural resources on these lands. Indigenous groups maintained that their community-based land systems more effectively protected their lands from encroachment by large landowners and that outside groups engaged in illegal activities. Garifuna leaders continued to allege that groups engaged in drug smuggling and other contraband trafficking had illegally appropriated vast areas of their communal lands.

During the year the Secretariat of State for Indigenous and Afro-Honduran Affairs and Maya-Chorti community members began meeting to resolve the Maya-Chorti's long-standing concerns about noncompliance with land restitution commitments made by the government in 2008 and to address landowner threats to eject community members from tribal lands.

Persons from indigenous and Afro-descendant communities continued to experience discrimination with respect to employment and occupation, education, housing, and health services. There were minimal government efforts to combat this discrimination.

The Secretariat of State for Indigenous and Afro-Honduran Affairs worked to preserve native culture as well as raise the standard of living of the indigenous population. It established regional offices to manage investment and development in areas with a high concentration of indigenous persons.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—There are no discriminatory laws based on sexual orientation, but in practice social discrimination against persons from sexual minority communities was widespread. Representatives of NGOs focusing on sexual diversity rights asserted that security forces killed and abused their members. Prosecutors often encountered serious difficulties in investigating suspicious deaths of LGBT persons because the victims had concealed their identity or sexual orientation.

Sexual minority rights groups asserted that security forces, government agencies, and private employers engaged in antigay discriminatory hiring practices. These groups also reported that intimidation, fear of reprisal, and police corruption made LGBT victims reluctant to file charges or cooperate with prosecutions.

The National Police reported 30 violent deaths of LGBT individuals during the year. Criminal investigations do not recognize a "transgender" category.

At year's end there was no information regarding any investigation of the 2010 killings of the president, Neraldys, and vice president, Imperia Gamaniel Parson, of the LGBT NGO Colectivo TTT. Human rights advocates continued to assert that the killings were hate crimes.

At year's end there were no known developments in the prosecutor's investigation of the 2009 fatal shooting by unknown assailants of LGBT activist Walter Orlando Trochez in Tegucigalpa.

Other Societal Violence or Discrimination.—No widespread societal violence or discrimination against persons with HIV/AIDS was reported.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—Although the law provides for the right of workers to form and join unions of their choice, protects the right to bargain collectively and to strike, and prohibits employer retribution for engaging in trade union activity, it places a number of restrictions on these rights. For instance, the law prohibits coexistence of more than two trade unions at a single enterprise, requires 30 or more workers in order to constitute a trade union, prohibits foreign nationals from holding union offices, and requires that union officials be employed in the economic activity of the business the union represents.

The law prohibits members of the armed forces and police from forming labor unions. The law requires that an employer begin collective bargaining once workers establish a union, although public service employees are prohibited from collective bargaining. Collective bargaining agreements for private sector companies apply to union and nonunion employees.

The law prohibits labor federations and confederations from calling strikes and requires that a two-thirds majority of the total membership of a trade union approve a strike. The law prohibits workers from legally striking before they (1) attempt and fail to come to an agreement with their employer, and (2) go through Secretariat of Labor and Social Security (STSS) mediation. During the mediation companies sometimes failed to appoint a representative in order to draw out the process, thus in practice impeding the right to strike. In addition, it prohibits strikes in a wide range of economic activities that the government deems essential services and any others that, in the government's opinion, affect individuals' rights to security,

health, education, and economic or social life, including restrictions on certain public service employees from going on strike.

Workers in public health care, social security, staple food production, and public utilities (municipal sanitation, water, electricity, and telecommunications) are allowed to strike but must continue to provide basic services. The law also requires that public sector workers involved in the refining, transportation, and distribution of petroleum products must submit their grievances to the STSS prior to striking. Restrictions on strikes in such a broad range of sectors were considered excessive by international standards. Workers in export processing zones and separate free zones for companies that provide services for industrial parks are permitted to strike under law. However, the law requires that strikes not impede the operations of other factories in the industrial parks.

The STSS has the power to declare work stoppages illegal and dismiss the protesting workers. The International Labor Organization (ILO) continued to express concerns about the government's authority to end disputes in several sectors, including oil production and transport, because such provisions are vulnerable to abuse. It also noted with concern the law's requirement that employees in state-owned enterprises either obtain the government's previous authorization or give six months' notice before striking.

The STSS can reach administrative decisions and fine companies for unfair dismissal; the law permits fines of up to 5,000 lempiras ($265) for a given violation. The ILO noted that penalties for such discrimination were inadequate and lacked credibility in the eyes of companies and municipalities. Inspectors must clear their fines through the Central Office of the General Inspectorate, which can add months to the period between an inspection and a fine being issued. Moreover, only a court can order reinstatement of workers, and the reinstatement process was unduly long.

Workers exercised the right to form and join unions and bargain collectively with difficulty, and the government failed to enforce applicable laws effectively. Unions noted that the length of time the STSS took to register unions impeded their ability to unionize. Some unions also alleged that the registry office often informed companies which workers were attempting to unionize, making it easier for companies to dismiss these workers before they were granted legal protection from firing. Unions are independent of the government but closely aligned with political parties.

Civil servants occasionally engaged in illegal work stoppages without experiencing reprisals. Teachers continued to hold strikes throughout the year to protest nonreceipt of back pay as well as proposed reforms to the public educational system, including changes to salary and pension benefits. Strikes between March 17 and April 1, which also involved anticoup protesters, were sometimes violent, and police used tear gas and water cannons in response to protesters who threw Molotov cocktails and rocks (see section 2.b.). The government engaged in a dialogue with a wide range of representatives of the education sector, including teachers' unions, to rewrite the education law, which was more than 40 years old.

Some employers either refused to engage in collective bargaining with unions with impunity or made it very difficult to engage in bargaining. Some companies also delayed or failed to appoint representatives for required STSS-led mediation, which in practice lengthened and impeded the mediation process and right to strike. For instance, in some cases companies that agreed to bargain held meetings outside the country so that it was difficult for union members to attend.

Antiunion discrimination was a serious problem. The three major union federations and several civil society groups noted that, in cases where fines for violations were imposed, many companies paid the fine and continued to violate the law. Employers commonly threatened to close unionized factories and harassed or dismissed workers seeking to unionize, including firing leaders soon after unions were formed to prevent the union from functioning. Failure to reinstate workers was a serious problem. Employers often ignored (with impunity) court orders requiring them to reinstate workers fired for engaging in union activity. However, after being fined 10,000 lempira ($530) and under pressure from both the STSS and labor unions, in December the mayor of Choloma rehired 29 municipal employees whom he had fired in 2009 because of their attempt to unionize.

There was credible evidence that apparel assembly factory employers continued with impunity to blacklist employees seeking to form unions. Some companies also established employer-controlled unions, thereby preventing the formation of an independent union because of the restriction permitting only one union per company. Several companies in the country's export processing zones instituted solidarity associations that, to some extent, functioned as company unions for the purposes of setting wages and negotiating working conditions.

b. Prohibition of Forced or Compulsory Labor.—The law does not prohibit forced labor. There were anecdotal reports that forced labor occurred in both agriculture and domestic services.

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 regulates child labor, sets the minimum age for employment at 14, and regulates the hours and type of work that can be performed by minors up to age 18. Under the law all minors between the ages of 14 and 18 must be granted special permission from the STSS to work. The STSS is expected to perform a home study to ensure that there is an economic necessity for the child to work and that the child will not work outside the country or in hazardous conditions, including offshore fishing. If permission is granted, children between the ages of 14 and 16 are not allowed to work more than four hours per day. Children between the ages of 16 and 18 are allowed to work no more than six hours per day. The law prohibits night work and overtime for minors under the age of 18. However, the STSS can grant special permission for minors between the ages of 16 and 18 to work in the evening if it does not affect their schooling. The labor code requires that employers with more than 20 school-age children working at their business facility provide a location for a school. The law provides for between three and five years in prison for persons violating child labor laws.

The government did not devote adequate resources or inspectors to monitor compliance with child labor laws. The STSS did not effectively enforce child labor laws outside the apparel assembly sector, and there were frequent violations. There was no known change to the practice of appointing child-labor inspectors only to STSS offices in Tegucigalpa and San Pedro Sula, which reportedly limited the agency's ability to investigate allegations of child labor, particularly in rural and other remote areas.

In practice the vast majority of children who worked did so without STSS permits, and the government failed to enforce child labor laws effectively. Children often harvested melons, coffee, and sugarcane; rummaged at garbage dumps; worked in the forestry, hunting, and fishing sectors; and worked as deckhands and divers in the lobster industry. Children worked as domestic servants, peddled goods such as fruit, begged, washed cars, hauled loads, and labored in limestone and lime production. Most child labor occurred in rural areas. Children often worked alongside other family members in agriculture and other sectors, such as fishing, construction, transportation, and small business.

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 April 11, the STSS announced the minimum wage for the year, which was retroactive to January 1 and based on the number of employees and size of the company. Wages ranged from a low of 3,280 lempiras ($175) per month to a high of 6,592 lempiras ($350). For instance, a company with one to 10 employees working in agriculture was required to pay at least 4,368 lempiras ($230) per month, while a company with more than 151 employees in the transportation industry was required to pay at least 6,533 lempiras ($345) per month.

The law applies equally to national and foreign workers and prescribes a maximum eight-hour shift per day, a 44-hour workweek, and at least one 24-hour rest period for every six days of work. It provides for paid national holidays and annual leave. The law requires overtime payment for hours in excess of the standard, and there are prohibitions on excessive compulsory overtime. Civil society groups and unions reported that employers frequently ignored these regulations, especially in the fast food industry, because the STSS failed to enforce these requirements effectively.

The STSS is responsible for enforcing national occupational health and safety laws, but it did not do so consistently or effectively. The government did not allocate adequate resources for labor inspectors to perform their duties. The secretariat had 118 inspectors, who conducted 3,736 inspections during the year. The ILO reported that labor law violations discovered in textile factories during inspections were typically corrected, although the limited number of inspectors precluded comprehensive inspections of worksites. Because labor inspectors were concentrated in Tegucigalpa and San Pedro Sula, complete labor inspections as well as follow-up visits to confirm compliance with findings were far less frequent. Many inspectors asked workers to provide transportation to conduct an inspection, as the STSS did not have sufficient resources to pay for travel to worksites, further impeding their ability to enforce

labor laws effectively. There were credible allegations of corruption among labor inspectors, particularly in the North.

The law does not provide workers the right to leave a dangerous work situation without jeopardy to their continued employment. Worker safety standards were enforced poorly, particularly in the construction, garment assembly, and agriculture sectors.

In practice the minimum wage was rarely paid in the agricultural sector and seldom paid elsewhere. The STSS estimated that 68 percent of employers did not comply with the federal minimum wage. The law prohibits the practice of requiring workers to complete quotas before being allowed to leave. However, civil society groups reported the government did not effectively enforce the law. There were credible allegations of compulsory overtime at apparel assembly factories (particularly for women, who made up approximately 65 percent of that sector's workforce), in the private security sector, and among household workers. Workers were frequently denied benefits, including vacation pay and 13th- and 14th- month bonuses, and there were reports that both public and private sector employers failed to pay into the social security institute funds. In addition, unions and civil society groups reported that some employers used contract employees to avoid paying benefits due to full- and part-time employees.

The law does not protect domestic workers effectively. Human rights organizations continued to report that, in the private security and household sectors, workers were typically obliged to work more than 60 hours a week but paid for only 44 hours. Civil society organizations also reported that workers in cleaning services and the fast food industry were often obliged to work shifts of 12 or more hours. These household workers often lacked contracts and were paid salaries below the minimum wage. Since many lived in on-site housing, their work hours often varied widely based on the will of individual employers. Private security guards also often worked for salaries below the minimum wage. Many guards worked every other day on 24-hour shifts, which violated labor law restrictions regarding maximum number of hours one may work.

There continued to be reports of violations of occupational health and safety laws, including lack of access to appropriate safety equipment, and other labor rights violations relating to the approximately 3,000 lobster divers, many from the Misquito indigenous and other ethnic minority groups in Gracias a Dios Department. In contrast with prior years, the STSS conducted 30 inspections of lobster boats; however, it reportedly found no violations. In addition, the STSS opened a branch office in Gracias a Dios, a region that previously had no coverage.

JAMAICA

EXECUTIVE SUMMARY

Jamaica is a constitutional parliamentary democracy. On December 29, the opposition Peoples National Party (PNP) won 42 of the 63 seats in the House of Representatives, and PNP leader Portia Simpson Miller was sworn in as prime minister on January 5, 2012. The leader of the defeated Jamaica Labour Party (JLP), Andrew Holness, served as prime minister after October 23, following the unexpected resignation of Prime Minister Bruce Golding. International election observers deemed the elections transparent, free and fair, and without violence. During the year there were instances in which elements of security forces acted independently of civilian control.

The most serious human rights problems in the country were alleged unlawful security force killings, instances where cases involving the violation of rights were not resolved in a timely way, and poor prison and jail conditions, including abuse of detainees and prisoners.

Other human rights problems included an overburdened judicial system and frequent lengthy delays in trials, violence against and sexual abuse of children, violence and discrimination against women, trafficking in persons, and violence against persons based on their suspected or known sexual orientation.

The government took some steps to punish members of the security forces who committed abuses, but there were other instances where no arrests or prosecutions occurred, providing impunity for police who committed crimes.

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

a. Arbitrary or Unlawful Deprivation of Life.—While the government or its agents did not commit politically motivated killings, there were numerous accounts alleging

that the government's security forces or its agents committed arbitrary or unlawful killings.

For example, on October 31, police killed Michael Grinnion in an alleged "shootout" in his home and reported that they recovered a loaded pistol. However, Grinnion's family claimed that there was no sign of a shootout and that Grinnion was killed somewhere else. A relative said witnesses heard Grinnion pleading for his life before he was taken away in a police jeep, and also claimed that the body at the morgue showed signs of bruising and physical abuse. The family urged a full investigation; no further information was available by year's end.

According to official statistics, there were 236 killings involving police during the year. Human rights monitors indicated that many killings by police were unreported, with police meting out the justice they see as unavailable through the judicial system. In most shooting incidents, police alleged that the victims were carrying firearms and opened fire on them. In many cases, however, eyewitness testimony contradicted the police accounts. In other cases, allegations of "police murder" were suspect, because well-armed gangs trafficking in weapons and narcotics and running lottery scams controlled many inner-city communities and were often better equipped than the police force.

In October Jamaica Constabulary Force (JCF) Commissioner Owen Ellington spoke publicly about two deaths in police custody—those of Ricardo Irons and Keith Mitchell. He said that acceptance of the explanation given by the JCF would "amount to dereliction of our duty of care for the safety and well-being of persons in our custody." Investigations into the two deaths continued at year's end.

Violent crime remained a serious concern, and on many occasions the JCF employed lethal force in apprehending criminal suspects. The JCF's Bureau of Special Investigations (BSI) and the Independent Commission (INDECOM) investigated all police killings, and when appropriate, forwarded cases to the director of public prosecutions (DPP) for prosecution. However, it usually takes many years to bring police officers to trial for alleged unlawful killings. For example, on May 30, a jury returned a not guilty verdict for four police officers charged with murder in the 2007 death of Andre Thomas. On June 16, a Home Circuit Court judge dismissed the case of the police officers charged in the 2008 murder of Carlton Grant, the 17-year-old son of dancehall artist Spragga Benz. On April 13, a Home Circuit Court jury convicted police officer Vince Edwards of the extrajudicial killing of Tyrone Powell in 2009. No other police officer accused of human rights violations has been convicted since 2006.

Other scheduled trials included that of police corporal Malica Reid, charged with the November 2010 killing of prominent businessman Frederick "Mickey" Hill, which began on October 28 and was rescheduled for January 2012. The case of Detective Sergeant Lloyd Kelly, charged with the July 2010 killing of a mentally disturbed man, was also to go to court in January 2012. The Home Circuit Court rescheduled the trial of three policemen, Loui Lynch, Paul Edwards, and Victor Barrett, involved in the 2004 abduction and killing of Kemar Walters and Oliver Duncan, to April 16, 2012. The Special Coroner Court was scheduled to consider the 2007 police shooting deaths of Dexter Hyatt and Tian Wolfe in November but postponed it to a later date.

In May 2010 security forces entered West Kingston after gunmen loyal to former Tivoli Gardens don Christopher "Dudus" Coke set fire to police stations and barricaded themselves inside the community. At least 73 civilians and three security force members were killed. Preliminary forensics reports suggested that some individuals were shot execution-style. The Public Defender's Office, with the support of international donors, prepared an official report on the incident, but had not released it by year's end.

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

There was no definitive resolution of the disappearance of three young people, one of whose body later was found in a cemetery grave, who disappeared during the May 2010 security operations that took place in West Kingston's Tivoli Gardens.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law prohibits such practices, reports of physical abuse of prisoners by guards continued, despite efforts by the government to remove abusive guards and improve procedures.

When prisoners raise allegations of abuse by correctional officers, the charges are first reviewed by corrections officials, then by an inspector from the Ministry of National Security, and finally by the police. Authorities file charges against correctional officers for abuse if evidence is found to support the allegations. However, official complaints and investigations were infrequent.

Prison and Detention Center Conditions.—Prisons and detention centers were severely overcrowded and presented serious threats to life and health. The U.N. special rapporteur on torture in a 2010 report called the conditions of detention "appalling" and in some cases "inhumane," although it did not find instances of torture. The government could not protect the physical safety of prisoners. With a maximum rated capacity of 4,402 inmates, the corrections system contained approximately 4,000 adult inmates, including at least 200 women. Another 366 juveniles remained in detention in juvenile-only facilities. However, there was considerable overcrowding, since rated capacity reflected both high- and low-security facilities, some capacity was unusable due to staffing shortfalls, and most inmates were held in high-security facilities. Although the law prohibits the incarceration of children in adult prisons in most cases, approximately 60 juveniles were held in adult jails. At least 14 prisoners died in detention during the year.

Detainees were not clearly separated according to their different stages of criminal procedure. Persons detained without charges, remandees, and convicted persons were held together in the same facility and often shared cells.

The government failed to protect the physical safety of prisoners. For example, on April 4, an inmate plucked out the eye of another prisoner awaiting transfer from the Port Antonio lock-up to the Tower Street Adult Correctional Facility. On July 6, Garfield Campbell was electrocuted as he attempted to open the metal grille door to his cell at the St. Catherine Adult Correctional Institution in Spanish Town. The government never clarified how the door became electrified, and no one was prosecuted for the suspected homicide. Suicide also remained a problem. Over the course of two weeks in September, prison authorities at the same institution in Spanish Town failed to prevent two inmates from hanging themselves with electrical cord.

Overcrowding and poor living conditions remained severe problems. At the St. Catherine Adult Correctional Institution in Spanish Town, inmates shared dark, unventilated, and dirty cells. Designed to hold 800 inmates, the facility held 1,200. Constructed to hold 50 detainees, each cell held an average of 138 detainees. Police officers at the facility reported that the mentally ill detainees were locked up in the bathroom of the holding section. Some detainees also were held in the prison's medical facility.

The Tower Street Adult Correctional Center, located in downtown Kingston, held approximately 1,500 inmates, exceeding the 800-person maximum capacity for which the facility was built. Men and women were incarcerated in separate facilities, although female prisoners generally were incarcerated under better conditions than their male counterparts. Cells in some facilities had little natural light, inadequate artificial light, and poor ventilation. Hunt's Bay lock-up held prisoners in a cage-like structure open to the elements and the gazes of passersby. Detainees, crowded in numbers of up to six persons per cell, mixed with garbage and urine. Potable water generally was available, but detainees were required to provide their own containers to carry water.

The women's prison, Fort Augusta, with at least 200 inmates, had no indoor water supply. Inmates had to obtain water from a central source in containers they provided themselves. Inmates who did not own a container could not bathe. Female juveniles also were held at Fort Augusta.

Conditions at the juvenile lock-ups were poor. Investigations into the Moneague, Half-Way Tree, Admiral Town, and Glengoffe juvenile detention facilities revealed that minors reported contracting fungus from the conditions in the cells and from sleeping on cold concrete. Juvenile inmates also complained of roaches crawling over them during the day and at night. Juveniles at the Admiral Town lock-up were let out of their cells for only five minutes each day to bathe and use the toilet. At both Admiral Town and Half-Way Tree, the minor inmates were provided with bottles in which to urinate.

Throughout the system medical care was poor, primarily a result of having only three full-time doctors and one full-time nurse on staff. Four part-time psychiatrists cared for at least 225 diagnosed mentally ill inmates in 12 facilities across the island. Prisoners in need of dentures and unable to eat the prison food encountered difficulties gaining access to a dentist. Prison food was poor, and prison authorities frequently ignored inmates' dietary restrictions.

Nonviolent youth offenders were under the jurisdiction of the social services agency and generally were sent to unsecured halfway houses (called "places of safety" or "juvenile remand centers") after being removed from their homes. However, because the law does not clearly define an "uncontrollable child," a large number of minors were classified as uncontrollable and detained for long periods without regard to the nature of their offenses.

Although the law prohibits children being held in detention or lock-up with adults, approximately 60 juveniles remained in two of the adult facilities. Reports

indicated that even in cases when police attempted to have officers from the social services agency retrieve minor detainees, the agency failed to do so, thereby forcing the police to comingle them with adults. Officers handling juvenile detainees were trained in child psychology, behavioral modification techniques, child-management strategies, and national and international human rights laws.

Reports of physical abuse of prisoners by guards continued, despite efforts by the government to remove abusive guards and improve procedures. INDECOM received eight reports of abuse by prison officials, none of which had been resolved at year's end.

Although prisoners were able to make complaints to the Public Defender's Office without censorship, and representatives were mostly able to enter the detention centers and interview prisoners without hindrance, official complaints and investigations were infrequent.

The government allowed private groups, voluntary and religious organizations, local and international human rights organizations, and the media to visit prisons and monitor prison conditions, and such visits took place during the year.

The Office of the Children's Advocate again made a number of recommendations to Parliament, including a request that the law be revised to limit to 90 days the amount of time children spend in lock-up. Parliament, however, did not address the issue.

The government similarly took no tangible actions to address the U.N. Special Rapporteur's findings that officers at the Hunt's Bay Police Station were "very obstructive, uncooperative, aggressive, and openly threatened his team during their visit." However, reacting to what she deemed "terrible conditions" in the prisons, the chief justice instructed all resident magistrates to conduct regular visits of police lock-ups and to forward their observations to her office in writing. She counseled the magistrates to remind police of detainees' rights to due process.

The Department of Corrections opened the Metcalf Juvenile Remand Center in Kingston in July. The facility is designed to house a maximum of 208 male juveniles from ages 12 to 17. It is a pretrial facility, and the number of detainees varied daily. A typical number of people housed at the facility was 131 boys with an additional 50 men separated from the youth. Metcalf was built to international standards, with adequate space and a state-of-the-art fire escape and suppression system. There is a classroom and one-on-one instruction at the Metcalf facility. Female juveniles were still housed at St. Augustus, although a facility for remanded girls similar to Metcalf was set for construction in Stony Hill. The commissioner of corrections was addressing the need to provide education for minors, which is technically compulsory until age 16.

d. Arbitrary Arrest or Detention.—The law permits the arrest of persons "reasonably suspected" of having committed a crime. While the law prohibits arbitrary arrest, security forces performed "cordon and search" operations and enforced curfews, during which they detained persons and took them into custody. A new anticrime bill passed during the year extended the time the security forces can legally hold persons from 48 to 72 hours before charging or releasing them. However, police sometimes reportedly held individuals for as long as five weeks.

Role of the Police and Security Apparatus.—The JCF has primary responsibility for internal security and is assisted by the Island Special Constabulary Force. The Jamaica Defence Force (JDF) is charged with national defense, maritime narcotics interdiction, and JCF support. The JDF routinely conducted joint patrols and checkpoints in conjunction with the JCF. As the minister of defense, and outside of a state of emergency, the prime minister is the approval authority for all JDF operations in support of the JCF. The Ministry of National Security exercises the prime minister's authority for oversight of the JCF and JDF. The JCF is headed by a commissioner who delegates authority through the ranks to constables. The force maintains divisions focusing on community policing, special response, intelligence gathering, and internal affairs.

In August 2010 the government created INDECOM to investigate actions by members of the security forces and other agents of the state that result in death or injury to persons or the abuse of the rights of persons. INDECOM gradually was replacing the JCF's BSI as the main investigator of incidents involving fatal shootings by police. The BSI and INDECOM conducted administrative and criminal investigations into all incidents involving fatal shootings by police. The BSI, unable to keep up with its caseload, had a backlog of 841 cases with approximately 37 full-time and nine part-time investigating officers. During the year the BSI completed 308 investigations and forwarded 88 cases to the DPP.

INDECOM received 236 reports of fatal shootings by police officers, completed 92 investigations, and sent two to the DPP for further prosecution. INDECOM opened

724 cases for investigation and had a backlog of 632 cases at year's end. INDECOM cited lack of resources to perform forensic analysis and identification of security personnel involved in incidents as major obstacles faced in its investigations of police killings. Rulings from the DPP on cases involving security forces were issued on average 27 months after the final submission of files from the BSI or INDECOM. At year's end INDECOM awaited rulings from the DPP on 40 cases. INDECOM also expressed concern that agents of the state concealed their identities in interaction with the public, including incidents of killings by security forces. A report released in August discussed how this anonymity contributes to the lack of accountability.

According to JCF records, 146 police officers, or 40 percent of the 362 officers who took voluntary lie-detector tests during the year, did not pass or complete the test. The assistant police commissioner did not say whether the officers who failed would be disciplined in any way. However, during the year officials retired two officers and denied reenlistment to 72 officers for corruption or ethics reasons. In addition authorities dismissed 11 officers for corruption, charged 39 other officers with corruption, and charged 19 citizens with corrupting JCF staff.

Authorities reported that at least 16 policemen charged with crimes, including at least five responsible for fatal shootings, had fled the country and were living abroad. Jamaicans for Justice, a human rights nongovernmental organization (NGO), alleged that since it takes the DPP so long to hand down a ruling that police personnel should be charged with a crime, there was possible collusion between the accused policemen and their colleagues, allowing accused officers to escape. For example, in September Mark St. Aubyn Russell was ordered extradited for the 2007 murder of 18-year-old Ravin Thompson. The DPP did not charge Russell with murder until 2009, after he had fled the country.

The JCF continued a community policing initiative to address the long-standing antipathy between the security forces and many poor inner-city neighborhoods. Through the Community Safety and Security Branch, during the year the JCF conducted targeted training of 5,609 officers, 778 of whom were deployed in 360 communities island-wide. The branch trained community safety officers and assigned JCF personnel to targeted schools as resource officers to stem school violence. These officers also served as liaisons between the students, faculty, parents, and police. The government bolstered these efforts through public education and by nominating deputy divisional commanders with responsibility to introduce community policing to all the communities within their division. All JCF officers were required to take a "graduated response" before the use of lethal force when possible. Officers were also required to take an annual refresher course on the use of nonlethal equipment.

Arrest Procedures and Treatment While in Detention.—Arrests normally require warrants signed by a police officer of the rank of station sergeant or higher; however, arrests may be made without warrants. Police often used the warrant as the first step in an investigation to search for evidence. The law requires detained suspects to be charged or released within 72 hours of arrest, unless a justice of the peace or a resident magistrate grants a special waiver.

If a detainee requests access to counsel, the law requires police to contact duty counsel (a private attorney who volunteers to represent detainees at police stations and until cases go to trial) under the Legal Aid Program; however, authorities continued to wait until after detainees had been identified in a lineup before contacting duty counsel for them. There was a functioning bail system, and detainees were provided with prompt access to family members. A constitutional amendment passed during the year ensures legal assistance if someone does not have sufficient means to pay for legal representation and provides that a civil organization may initiate an application on behalf of a detainee or a mentally ill person.

Although the law requires police to present a detainee in court within a reasonable time period, in practice authorities sometimes remanded suspects for psychiatric evaluation, some for as long as three years when their cases were "lost in the system." Magistrates were required to inquire at least once a week into the welfare of each person listed by the JCF as detained, but few did so in practice, especially in the busy Kingston/St. Andrew corporate area.

e. Denial of Fair Public Trial.—Although the law provides for an independent judiciary, the judicial system relied entirely on the Ministry of Justice for all resources.

Trials in many cases were delayed for years, and other cases were dismissed because files could not be located or had been destroyed. Some trials suffered as a result of antiquated rules of evidence as well as from lack of equipment for collecting and storing evidence. For example, drug evidence collected in an arrest had to be stored in its entirety; samples or photographs were not acceptable. Storage facilities were inadequate and understaffed, and evidence went missing, deteriorated in the

warehouse, or could not be located when needed. In October the justice minister stated that endemic corruption in the legal system resulted in long delays in investigations and in cases coming to trial.

The resident magistrate's courts, which handle more than 90 percent of the cases in the court system, continued operation of a night court to reduce the backlog of cases. The Supreme Court used mediation through the Dispute Resolution Foundation as an alternative to traditional trials. This alleviated some of the civil case backlog in that court. The resident magistrate's courts also used alternative dispute resolution in limited cases.

Some criminal trials were dismissed because witnesses failed to come forward as a result of threats, intimidation, or murder. Some of those who came forward qualified for the witness protection program, but many either refused protection or violated the conditions of the program. According to the JCF, no participant in the witness protection program who abided by the rules of the program was ever killed.

Trial Procedures.—Most trials are public and adjudicated by a lone judge. More serious criminal offenses are tried with juries in circuit court and at the Supreme Court level. There was a persistent problem seating jurors for cases, which contributed to the extensive judicial backlog. Some citizens were reluctant to serve as jurors for fear of retribution.

The constitution provides that defendants are presumed innocent and have the right to counsel and to confront witnesses against them. Legal Aid attorneys were available to defend the indigent, except those charged with certain offenses under the Money Laundering Act or Dangerous Drugs Act and in the case of offenses in which the defendant is not liable to incarceration. The Office of the Public Defender (OPD) may bring cases on behalf of persons who claim to have had their constitutional rights violated, but the OPD cannot appear in court on their behalf. Although the OPD contracted with private attorneys to represent indigent clients, funds were insufficient to meet demand, and such attorneys sometimes requested payment from clients.

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

Civil Judicial Procedures and Remedies.—There is an independent and impartial civil judiciary process. Complainants may bring human rights abuse cases for civil remediation to the courts, but awards can be difficult to collect. The government is required to undertake pretrial negotiations or mediation in an attempt to settle out of court, but the government often did not do so. When there were settlements, whether in or out of court, the government often lacked the funds to pay, resulting in a backlog of awards.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—Although the constitution prohibits such actions, the Constabulary Force Act gives security personnel broad powers of search and seizure. This act allows search without a warrant of a person on board or disembarking from a vehicle, ship, or boat if a police officer has good reason to be suspicious. In practice the police conducted searches without warrants.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. An independent press, generally effective judicial protection, 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. Broadcast media were largely state owned but open to pluralistic points of view.

Libel Laws/National Security.—The Press Association of Jamaica (PAJ) continued to advocate reforms to defamation and libel laws. In her 2010 annual report, the special rapporteur for freedom of expression of the Organization of American States (OAS) also called for changes to the libel laws, noting that Jamaica has ratified the American Convention on Human Rights but has not upheld elements of the convention that prohibit criminal libel and require public officials to demonstrate actual malice to prove defamation. Although the government was reviewing these laws, the PAJ criticized the slow speed and extent of this review process. According to the PAJ, officials used existing laws to prevent critical information from reaching the public. A PAJ representative said that the threat of libel or slander prosecutions forces journalists to ensure that they have hard evidence in hand before they can take controversial matters to the public sphere, noting that a corrupt environment might make such evidence difficult if not impossible to obtain. The PAJ also advocated repealing the Official Secrets Act, asserting that it "runs counter to the Access

to Information Act." Parliament enacted "whistle-blower" legislation to help the media expose corruption.

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.

With respect to cultural events, the Jamaica Broadcasting Commission sought to regulate and limit the dissemination of certain popular music deemed inconsistent with public morality. The commission banned certain lyrics deemed inappropriate to broadcast, including dancehall songs referring to the simulation of aggressive or violent sex, and employed editing methods to expunge lyrics thought unfit for broadcast. The commission stated that its directive was aimed at "all types of musical broadcast output, including soca music and carnival music."

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

c. Freedom of Religion.—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 was prepared to cooperate with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers, should such cases arise.

Protection of Refugees.—Access to Asylum.—The government has established a system for processing and providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened, and it handled refugee or asylum cases administratively.

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

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

Elections and Political Participation.—Recent Elections.—In general elections held on December 29, the opposition PNP won 42 of the 63 seats in the House of Representatives, and PNP leader Portia Simpson Miller was to be sworn in as prime minister on January 5, 2012. Simpson Miller, who also served as prime minister in 2006-07, defeated the JLP led by Prime Minister Andrew Holness. International election observers from the Caribbean Community and the OAS deemed the elections transparent, free and fair, and without violence. A local organization, Citizen Action for Free and Fair Elections, also provided volunteer election observers, as it did in every election since 1998. In a preliminary assessment, the OAS cited adherence to agreements negotiated by the country's Electoral Office between the parties on media, advertising protocols, and campaigning rules as important elements that helped strengthen the democratic process. The OAS recommendations included ensuring adequate space to guarantee voter privacy, clarifying the duties of political liaison officers, providing copies of the voters' lists at polling stations, and improving signage at the entrance to polling stations.

All citizens age 18 and over have the right to vote by secret ballot. The relative lack of violence and intimidation in the December elections was notable, especially because in past elections voters living in "garrison communities," inner-city areas dominated by one of the two major political parties, often faced substantial influence and pressure from politically connected gangs and young men helping one political party by intimidating supporters of the opposing political party. Unlike in the past, however, civil society activism and pressure from the private sector, churches, and civic watchdogs made it difficult for either party to continue past practices of intimidation, lack of transparency, and back-room deals.

Participation by Women and Minorities.—On December 29, voters elected eight women to the new Parliament, including three of the JLP's 13 female candidates and five of the six PNP nominees, including the party leader and candidate for prime minister. During the year there were eight female members in the 60-seat

House of Representatives and three women appointed to the 21-seat Senate. One of the 16 cabinet ministers was a woman. A woman was elected speaker of the house on July 12, the second woman in the country's history to hold the position.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but the government did not implement the law effectively. The Office of the Contractor General's (OCG) 2010 annual report stated that the OCG concluded 10 special investigations into a number of public sector procurement and contract award issues. The OCG reported nine to Parliament and referred six investigations to the DPP, attorney general, and other agencies, but no criminal charges had been levied at the time of the report. The OCG reported a consistent pattern with abuses related to conflicts of interest, breaches of duty on the part of accounting and accountable officers, breaches of duty on the part of boards of directors, and a seeming disregard for the applicable laws and regulations. The OCG also reported challenges to its statutory authority and credibility. The report noted that many of its recommendations had been repeated multiple times with few results. The report also stated that unless "powerful sanctions are promulgated for criminal breaches," and unless transgressions are investigated and prosecuted, "public officers and their private sector coconspirators will obviously continue to pay scant regard to due observance of the laws to the certain detriment of the public purse, the people, and taxpayers of Jamaica."

The JCF Anti-Corruption Branch (ACB), headed by a British police officer hired as assistant commissioner of police, has responsibility for addressing corruption in the force, and some improvements were noted, such as a public awareness campaign including a 1-800-CORRUPT initiative and advertising. Police personnel are required to sign five-year contracts with renewal contingent upon good conduct. While it is rare that police personnel are charged or convicted, they can be barred from reenlisting whenever there is information that they are not efficient or effective in carrying out their duty with integrity. Between January and December, the ACB arrested 64 police personnel and charged 40 of them. Authorities did not permit 70 police officers to reenlist and dismissed nine police officers for corruption. However, suspicions of corruption and impunity within the force remained, despite a notable increase in the number of arrests of officers for corruption.

On July 2, the ACB caught a police inspector with three cardboard boxes and a knapsack filled with compressed marijuana with an estimated weight of over 150 pounds in the trunk of his vehicle.

The Commission of Enquiry formed by the government to probe the government's handling of an extradition request for alleged drug lord Christopher "Dudus" Coke failed to find any official misconduct by the prime minister or his government. While the commission looked into charges that the government hired a foreign lobbying firm, possibly to derail the extradition request, the commission was not tasked to investigate other aspects of the Tivoli Gardens operation.

The Corruption Prevention Act requires many government officials to file financial declarations; however, reports indicated that more than 5,000 civil servants failed to file or filed late or incomplete financial declarations required under the act. The DPP has the authority to identify noncompliant officials and send their cases to the Magistrate's Office, but the government did not levy any fines on officials during the year. The Ministry of Justice and the Attorney General's Office have overall responsibility to combat official corruption, but various other ministries are responsible for their own investigations. The OCG can investigate but not prosecute official corruption involving government contracts.

Despite provisions in the Access to Information Act to promote transparency, media accounts indicated that access to information was sometimes categorically denied. The act contains no sanctions or penalties to discourage lack of response to applications.

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

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

U.N. and Other International Bodies.—The government cooperated with a number of domestic NGOs, including Jamaicans for Justice, to present its report to the Universal Periodic Review by the U.N. Human Rights Council in October.

Government Human Rights Bodies.—The Public Defender's Office provides services on behalf of those who charged that their constitutional rights were violated.

The office contracted private attorneys to bring suits against the government on behalf of private citizens.

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

In March the Charter of Rights amended the constitution to strengthen fundamental rights and freedoms. The law prohibits discrimination based on race, gender, place of origin, political opinion, color, or creed. The government generally enforced these prohibitions in practice, although there continued to be widespread discrimination on the basis of political opinion in the distribution of scarce governmental benefits, including employment, particularly in the garrison communities.

Women.—Rape and Domestic Violence.—Rape is illegal and carries a maximum penalty of 25 years' imprisonment. The 2009 Sexual Offenses Act criminalizes spousal rape, but only in certain circumstances, namely when the parties have separated or when proceedings to dissolve the marriage or have it annulled have begun, when the husband is under a court order not to molest or cohabit with his wife, or when the husband knows he suffers from a sexually transmitted infection. Human rights groups continued to advocate for a more comprehensive law on spousal rape. The authorities reported 738 rapes and 637 cases of carnal abuse of women and girls, compared with 668 rapes and 531 cases of carnal abuse in 2010. The Bureau of Women's Affairs (BWA) believed that the true incidence was significantly higher than these statistics indicated, given the problem of underreporting, due to fear of stigma, retribution, or further violence. The JCF Center for Investigation of Sexual Offenses and Child Abuse, which was headed by a female deputy superintendent, handled sex crimes.

Social and cultural norms perpetuated violence against women, including spousal abuse. The law prohibits domestic violence and provides remedies including restraining orders and other noncustodial sentencing. Breaching a restraining order is punishable by a fine of up to J$10,000 (approximately $123) and six months' imprisonment. The NGO Woman Inc. reported that women frequently complained that police failed to treat domestic violence as a crime and take the necessary reports. The JCF instituted a domestic abuse sensitivity training program for police officers in downtown Kingston. The BWA developed a draft National Plan of Action on Violence against Women and Gender-Based Violence, which aims to provide a comprehensive strategy guiding the government's response to the problem. NGOs meanwhile expressed concerns that in the short term there was insufficient funding for police investigations of gender-based violence and for counseling and shelter for victims. Woman Inc., with a small subsidy from the government, operated the only shelter for battered women in the country.

Sexual Harassment.—There is no legislation that addresses sexual harassment and no legal remedy for victims of sexual harassment. The BWA carried out workshops to sensitize public sector workers to the issue of sexual harassment. NGOs have advocated for legislation on sexual harassment since the early 1990s and continued to advocate for the immediate drafting and enactment of such legislation.

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 were widely available. However, essential obstetric and postpartum care was often lacking. The U.N. Population Fund reported a modern contraceptive prevalence rate of 66 percent and a maternal mortality rate of 89 deaths per 100,000 live births.

Discrimination.—Women sought jobs and served in almost every occupation in both the public and private sectors. Although the law accords women full legal equality, including equal pay for equal work, in practice women suffered from discrimination in the workplace and often earned less than their male counterparts. Domestic workers were particularly vulnerable to workplace discrimination and sexual harassment. Women's rights activists also expressed concern about the continued underrepresentation of women in politics: women comprised less than 15 percent of the Parliament and Senate. In March the cabinet approved a National Policy for Gender Equality aimed at providing equal opportunities for men and women in social, political, and economic life. This policy establishes Gender Focal Points in each of the ministries, which are committees charged with developing, implementing, and monitoring gender-sensitive policies and programming.

There was an active community of women's rights groups, which focused on the protection of victims of sexual abuse, participation of women in the political process, and legislative reforms affecting women.

Children.—Birth Registration.—Every person born in the country after August 5, 1962, is entitled to citizenship. Persons born or adopted outside the country to one

or more Jamaican parents can claim citizenship, and those married to Jamaican spouses may also claim citizenship. There is universal birth registration, either in the hospital at the time of birth or at a local registrar's office if the child is not born in a hospital.

Child Abuse.—While there was no societal pattern of abuse of children, child abuse, including sexual abuse, was substantial and widespread. The Office of Children's Registry (OCR) receives, records, and stores data relating to the mistreatment and abuse of children. The law requires anyone who knows of or suspects a child is being abused to make a report to the OCR, with a penalty of up to J$500,000 ($6,130) for failure to do so. The OCR received approximately 7,000 reports of child abuse, compared with 6,330 cases reported in 2010. The number of child abuse reports increased by more than 1,000 percent since the registry was established in 2007, when it received 455 reports. The OCR credited the growth to an increase in awareness among Jamaicans.

Under the Child Care and Protection Act, the Child Development Authority (CDA) in the Ministry of Health is responsible for implementation of the government's programs to prevent child abuse. According to the CDA, sexual assault was the most common reason for children to be taken to hospitals, with children under age 10 accounting for 17 percent of all sexual assault cases and children between the ages of 10 and 19 accounting for 57 percent. According to the 2008 Reproductive Health Survey (the most recent one conducted), almost half of young women reported that they had been pressured or forced into sexual intercourse at the time of their first sexual experience. NGOs reported that inner-city gang leaders and sometimes even fathers initiated sex with young girls as a "right." There were 637 cases of carnal abuse reported to the JCF, compared with 538 cases reported in 2010.

The Office of the Children's Advocate (OCA) has broad responsibilities for reviewing laws, policies, practices, and government services affecting children, as well as providing legal services to protect the best interests of children. In February the OCA launched a Web site to provide information on children's rights. The site also includes downloadable forms so that persons can lodge complaints electronically or by fax. The OCA reported it received more than 400 complaints during the year, conducted some preliminary investigations, and referred other cases to appropriate government institutions.

Sexual Exploitation of Children.—The law prohibits statutory rape, defined as sexual relations with a person less than 16 years old, the minimum age for consensual sex. Sexual relations by an adult with a child between the ages of 12 and 16 are a misdemeanor punishable by not more than seven years in prison; if the victim is under 12, it is a felony punishable by up to life imprisonment. The 2009 Sexual Offences Act included the establishment of a Sex Offenders Registry. The law criminalizes the commercial sexual exploitation of children and applies to the protection, possession, importation, exportation, and distribution of child pornography. It carries a maximum penalty of 20 years' imprisonment and a fine of J$500,000 ($6,130).

Sex Tourism.—Child prostitution and sex tourism were problems, especially in tourist areas. In 2010 authorities uncovered a prostitution ring in Kingston involving an undisclosed number of minors.

International Child Abduction.—The country 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 was a small practicing Jewish congregation 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.—There are no laws prohibiting discrimination against persons with disabilities or mandating accessibility for persons with disabilities. Although the government ratified the U.N. Convention on the Rights of Persons with Disabilities in 2007, there were no reports of actions taken to implement the provisions of the convention. Persons with disabilities encountered discrimination in employment and denial of access to schools. Discrimination in access to education was particularly pronounced at the primary level. Fewer problems were reported in secondary schools, and tertiary institutions, including community colleges, were increasingly drafting policies ensuring full inclusion of persons with disabilities. Health care reportedly was universally available.

Prior to the December elections, Human Rights Watch pointed out that many polling stations were inaccessible to persons with disabilities, but the government responded that it would be impractical to make changes to ensure accessibility so close to the elections. Nonetheless, election officials made efforts to accommodate

voters with accessibility issues, by recruiting other voters to carry a wheelchair up a flight of steps or moving and carrying the prefabricated cardboard voting booth to the voter. After the December elections, both houses of Parliament announced plans to provide the oath of allegiance in Braille to accommodate visually impaired persons.

The Ministry of Labor has responsibility for the Jamaica Council for Persons with Disabilities, which had a budget of 54 million ($661,770) in 2010-11. The council distributes economic empowerment grants of up to J$50,000 ($613) to persons with disabilities to help them embark on small entrepreneurial ventures, such as vending or furniture making, or to provide them with assistive aids, such as prosthetics or hearing aids. Smaller rehabilitation grants of up to J$15,000 ($185) are available for similar purposes. The Ministry of Labor also has responsibility for the Early Stimulation Project, an education program for children with disabilities, as well as the Abilities Foundation, a vocational program for older persons with disabilities.

*National/Racial/Ethnic Minorities.*Maroons, descendants of slaves who escaped to the mountainous interior in the 17th and 18th centuries, considered themselves a group apart and maintained some African traditions distinct from those of the larger society. There were major infrastructural needs that the Maroons believed the central government neglected. Formal education was not available in Maroon communities beyond the junior high school level, and unemployment rates were high. Many young Maroons left the region for employment elsewhere; this migration and the influx of popular island-wide culture threatened the communities' culture.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law prohibits "acts of gross indecency" (generally interpreted as any kind of physical intimacy) between persons of the same sex, in public or in private, which are punishable by 10 years in prison. There is also an "antibuggery" law that prohibits consensual same-sex sexual conduct between men, but it was not widely enforced. Homophobia was widespread in the country, and through the songs and the behavior of some musicians, the country's dancehall culture helped perpetuate homophobia.

The Jamaica Forum for Lesbians, All Sexuals, and Gays (J-FLAG) continued to report serious human rights abuses, including assault with deadly weapons, "corrective rape" of women accused of being lesbians, arbitrary detention, mob attacks, stabbings, harassment of gay and lesbian patients by hospital and prison staff, and targeted shootings of such persons. Police often did not investigate such incidents. During the year J-FLAG received 84 reports of sexually motivated harassment or abuse, which included 71 cases of attempted or actual assault, including at least two killings, and 21 reports of displacements. Members of the police force reportedly were the perpetrators in 12 cases. J-FLAG data showed that young people, ages 18 to 29, continued to bear the brunt of violence based on sexual orientation. This violence created a climate of fear that prompted many gay persons to emigrate, while the gross indecency laws left those who remained vulnerable to extortion from neighbors who threatened to report them to the police unless they were paid off.

In July a high-level police official asserted that gay men were mainly responsible for lottery scams that defrauded many citizens, including many persons living abroad. The police commissioner promptly denounced the statement, notable because disapproval of homophobia by a public official was very rare.

In September the group AIDS-Free World filed an anonymous petition for two gay Jamaican men challenging Jamaica's antibuggery law at the Inter-American Commission on Human Rights. The petition claims that the law effectively criminalizes gay men and their sexual orientation and gives license to public officials and private individuals alike to commit violence and abuse against lesbian, gay, bisexual, and transgender (LGBT) community members.

A number of high-profile events led to more public discourse on the issues of sexual orientation and gender identity, but this did not result in a change in conditions in society. In August J-FLAG released a public service announcement encouraging families to embrace LGBT family members. The announcement featured former Miss Jamaica World and Miss Jamaica Universe and her gay brother. J-FLAG wanted the announcement to appear on national television, but Television Jamaica refused, reportedly due to criticism from church leaders.

In a December debate leading up to the national elections, then PNP leader Portia Simpson Miller said that she would appoint cabinet ministers based on ability and that sexual orientation would not be a factor, in contrast to former prime minister Golding's statement that he would not appoint a "homosexual" to his cabinet. She also said that she would permit parliament to reexamine the antibuggery law and free members of her party to vote their conscience on this issue. After Simpson Mil-

ler's statements became a campaign issue, some candidates and a local newspaper produced anti-LGBT campaign rhetoric and material.

The trial of six suspects arrested for the 2005 robbery and murder of prominent gay rights advocate Lenford "Steve" Harvey, initially begun and then postponed in 2007, had not resumed by year's end.

Male inmates deemed by prison wardens to be gay were held in a separate facility for their protection. The method used for determining their sexual orientation was subjective and not regulated by the prison system, although inmates were said to confirm their sexual orientation for their own safety. There were numerous reports of violence against gay inmates, perpetrated by the wardens and by other inmates, but few inmates sought recourse through the prison system.

Gay men were hesitant to report incidents against them because of fear for their physical well-being. Human rights NGOs and government entities agreed that brutality against such persons, primarily by private citizens, was widespread in the community.

Other Societal Violence or Discrimination.—Mob killings continued to be a problem and often went unpunished. For example, on March 8, Roja Martin, Roshane Brown, and a third man attempted to steal a bus in the community of Patty Hill, Hanover. Residents blocked the road exiting the community, forcing the men to stop. The three men allegedly attacked the crowd with knives and a gun before trying to run away. The crowd caught Martin and Brown and beat them to death. The third man escaped in a car.

No laws protect persons with HIV/AIDS from discrimination. Human rights NGOs reported severe stigma and discrimination against this group. The International Labor Organization (ILO) worked with the Ministry of Labor on a program to reduce the stigma of HIV/AIDS in the workplace and to assist employers in designing policies for workers with HIV/AIDS. Health-care facilities were prepared to handle patients with HIV/AIDS, but health-care workers often neglected such patients. The Ministry of Labor, in conjunction with the ILO and the Ministry of Health, conducted workplace education programs on HIV/AIDS issues. Laws banning same-sex sexual activity and societal attitudes prevented distribution of condoms in prisons and similar institutions.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law provides for the right to form or join unions and to bargain collectively, but it neither authorizes nor prohibits the right to strike. The law allows for union activity, prohibits antiunion discrimination, and provides for the Industrial Disputes Tribunal (IDT) to reinstate a worker if a dismissal is deemed unjustifiable. The law permits unions to conduct their activities without interference and states that workers are entitled to reasonable time off to conduct union activities.

Striking workers could interrupt work without criminal liability but could not be assured of keeping their jobs. Workers in 10 categories of "essential services" must first take disputes to the Ministry of Labor before they can legally strike. The ILO repeatedly criticized the government for its broad definition of these 10 categories.

Collective bargaining is denied to a bargaining unit if no single union represents at least 40 percent of the workers in the unit or when the union seeking recognition does not obtain support from 50 percent of the workers (whether or not they are affiliated with the union).

All persons categorized as workers are entitled to protection under the law, including migrants and those working in special trade zones. Contract workers, however, are denied certain statutory provisions, such as redundancy benefits.

The independent IDT hears cases when management and labor fail to reach agreement, including those involving nonunionized workers. Cases not resolved by the tribunal pass to the civil courts. The tribunal received 37 cases during the year, compared with 23 cases in 2010. While cases are to be resolved within 21 days, most cases were decided within four to five months. Some took longer to resolve due to the complexity of the dispute or delays requested by involved parties. Awards can be appealed to the Supreme Court. There is no authority to enforce the IDT decisions.

Although freedom of association and the right to collective bargaining were generally respected in practice, workers faced some challenges during the year. Worker organizations were independent of the government and political parties. Employers generally respected the law prohibiting antiunion discrimination. However, some labor unions reported that private sector workers were increasingly fearful of management retaliation against unionization as the job market contracted. While union organizers and members were entitled to full legal protections that were enforced

effectively, both management and workers were often unaware of their rights and obligations.

It was not uncommon for private sector employers to lay off union workers and rehire them as contractors, a practice unions did not oppose so long as labor and management agreed.

There were no reports of any workers losing their jobs due to strike action during the year. Nurses and other public sector workers—although taking their disputes to the Ministry of Labor as required—circumvented the ministry's permission to strike by holding "sick outs" during the year.

b. Prohibition of Forced or Compulsory Labor.—The antitrafficking law prohibits forced labor, but there are otherwise no specific laws prohibiting all forms of forced or compulsory labor. However, the country has ratified relevant ILO conventions, which carries a legal obligation to apply their provisions. The government responded to complaints but did not take additional actions to enforce the ILO conventions. While some cases of coerced employment of suspected trafficking victims were being treated in the court system, the JCF was lax in investigating and identifying victims of trafficking that could potentially be prosecuted. There were reports of girls in rural areas recruited for domestic labor and then forced into servitude. In four instances authorities removed the individuals and provided them housing while court cases were pending. A national task force broadened its interministerial and public outreach to sensitize citizens 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 law protects children from exploitation in the workplace and stipulates that every citizen has a duty to report child abuse. The minimum age for employment is 15 years, and the law prohibits the employment of children under age 13 in any type of work. Children between ages 13 and 15 are permitted to engage in "light work," as defined by the Ministry of Labor, which will not disrupt their education or be harmful to their health. Children are not to work more than four hours in a day. The law prohibits hazardous work for all children under 18.

Although the country signed the ILO convention to abolish child labor, the government did not effectively enforce it. The Ministry of Labor's Child Labor Unit (CLU) was responsible for monitoring and controlling child labor, and the ministry assisted the Office of Health and Safety in child labor enforcement efforts. The ministry employed approximately 25 inspectors to monitor all violations in workplaces, and the CLU received reports from the public. If the CLU determines that it is appropriate, it forwards reports of child labor violations to the CDA for enforcement. The JCF handles cases of the worst forms of child labor, including trafficking and sexual exploitation. The CDA is responsible for carrying out investigations of abuse, but resources to investigate exploitive child labor were insufficient.

There were no confirmed cases of child labor violations during the year. However, the Factory Act's limited definition of a workplace placed constraints on the purview of the ministry's inspectors. The Ministry of Labor also made efforts to establish stronger sanctions against guardians and parents involved in child labor activities. The government established the Tackle Child Labor through Education program to help build mechanisms to implement policies and enforce laws and regulations against child labor.

The ILO estimated that more than 26,000 children worked as vendors, agricultural and commercial laborers, domestic helpers, and prostitutes, among other forms of engagement. The government does not track the number of children involved in child labor. Children under the age of 12 peddled goods and services, begged on city streets, and worked on plantations, farms, and construction sites, as well as in gardens, shops, and markets. Reports also indicated that children worked in garbage dumps, collecting scrap metal. Children were also engaged 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.—The minimum wage was J$4,500 ($55.15) per week for all workers. In practice some minimum-wage earners worked two or more jobs, but most workers were paid more than the legal minimum. There were, however, some reports of domestic workers receiving less than the minimum wage.

The law provides for a standard 40-hour workweek and mandates at least one day of rest per week. Work in excess of 40 hours per week or eight hours per day must be compensated at overtime rates, a provision that was generally respected. The law also provides for paid annual holidays. The law does not prohibit excessive compul-

sory overtime. Some employees, notably security guards, were regularly required to work 12-hour shifts without overtime compensation.

The Ministry of Labor's Industrial Safety Division sets industrial health and safety standards. The law provides workers with the right to remove themselves from dangerous work situations without jeopardy to their continued employment if they are trade union members or covered by the Factories Act. The law covers any premises in which 10 or more persons are engaged in manual labor, whether they belong to a union or not. The law does not specifically protect other categories of workers in those circumstances.

The Ministry of Labor administered and is responsible for enforcing the minimum wage. The Industrial Safety Division enforces industrial health and safety standards, mainly through factory inspections. Insufficient staffing in the Ministries of Labor, Finance, National Security, and Public Service contributed to difficulties in enforcing workplace regulations in both the formal and informal sectors. The safety division conducted inspections, investigated accidents, warned violators, and gave them a time period in which to correct the violation. If the violation was not corrected within that time, the violator was taken to court.

There were 151 workplace accidents reported to the Ministry of Labor, compared with 168 in 2010. Of these reports, 89 qualified for investigation and 64 were investigated. There were three reported workplace deaths, compared with four in 2010.

MEXICO

EXECUTIVE SUMMARY

Mexico is a multiparty federal republic with an elected president and bicameral legislature. Citizens elected President Felipe Calderon of the National Action Party (PAN) in 2006 to a six-year term in generally free and fair multiparty elections. Security forces reported to civilian authorities.

The most serious human rights issues in the country arose from the fight against organized crime, which involved frequent clashes between security forces and Transnational Criminal Organizations (TCOs). TCOs and gangs linked to them battled each other to establish or maintain control of trafficking routes and markets. In multiple instances, TCOs used brutal tactics against members of the public. TCOs remained the most significant perpetrator of violent crimes in the country, showing disregard for civilian casualties, engaging in human trafficking, and intimidating journalists and human rights defenders with violence and threats. Sometimes 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.

The following problems also were reported during the year by the country's National Human Rights Commission (CNDH) and other sources: kidnappings; physical abuse; poor, overcrowded prison conditions; arbitrary arrest and detention; corruption and lack of transparency that engendered impunity within the judicial system; and confessions coerced through torture. Societal problems included: killings of women; domestic violence; threats and violence against journalists and social media users, leading to self-censorship in some cases; trafficking in persons; social and economic discrimination against some members of the indigenous population; and child labor.

Despite some arrests for corruption, widespread impunity for human rights abuses by officials remained a problem in both civilian and military jurisdictions.

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

a. Arbitrary or Unlawful Deprivation of Life.—Security forces, acting both in and out of the line of duty, killed several persons during the year.

On June 17, Joaquin Figueroa Vasquez was killed in a high-speed chase in a joint operation by state and federal security forces in the state of Veracruz and presented as an alleged TCO member. The autopsy report stated that the cause of death was a bullet wound to the head. Figueroa's family claimed that this wound and the others that Figueroa sustained were evidence of torture and a subsequent execution-style killing. In collaboration with the human rights nongovernmental organization (NGO) Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH), Figueroa's family submitted information regarding the case to the Inter-American Commission on Human Rights (IACHR). The CNDH was also investigating the case at year's end.

On October 28, a military court found two officers and twelve soldiers guilty of violence resulting in the killings of three individuals at a military check point in

La Joya, Sinaloa, in July 2007. The sentences ranged from 16 to 40 years in prison. NGOs and the CNDH advocated on behalf of the families involved.

There were no developments in the following two high-profile cases from 2010:

In March 2010 soldiers killed two students at Monterrey Technological University. Despite a subsequent CNDH report that determined through a thorough investigation that guns were planted at the scene and evidence was tampered with, no arrest had been made at year's end.

In June 2010 the CNDH concluded that the Secretariat of National Defense (SEDENA) altered the location in which Martin and Bryan Almanza Salazar, ages five and nine, respectively, were shot and killed in April 2010 to create the impression that the shots occurred during a firefight with a criminal gang. The CNDH concluded that the children had been killed by direct fire from army troops on the road from Nuevo Laredo to Reynosa, Tamaulipas. However, military findings concluded that the children had been killed by shrapnel from a grenade thrown by members of organized criminal organizations. The incident remained under investigation at year's end.

A number of killings committed by TCOs appeared to be politically motivated. Unidentified perpetrators killed seven mayors of small towns in states along the country's northern border during the year, allegedly for failing to cooperate with organized crime. In 2010-11, a total of 20 sitting mayors were killed. Most of the killings were linked to organized crime.

Three activists from the Movement for Peace and Justice with Dignity, which sought justice for victims of drug-related violence, were allegedly killed by TCOs during the year. Nepomuceno Moreno was killed in Sonora on November 30, and Pedro Leyva Dominguez and Trinidad de la Cruz Crisostomo were killed in Michoacan on October 6 and December 7, respectively.

b. Disappearance.—There were multiple reports of forced disappearances by the army, navy, and police. Most occurred in the course of security operations. In several cases of reported disappearances, security forces had detained the missing persons incommunicado for several days. Following its March visit, the U.N. Working Group on Enforced or Involuntary Disappearances underscored patterns of impunity and a lack of investigation in cases of forced disappearance. The working group indicated that the number of new cases it accepted more than tripled from 2010. The group noted that the increased numbers of newly admitted cases and the high number of new allegations received during the visit could indicate a worsening situation of forced disappearances in the country.

On March 26, municipal police in Ciudad Juarez, Chihuahua, allegedly detained Juan Carlos Chavira, Dante Castillo, Raul Navarro, and Felix Vizcarra. Family members of the victims found their abandoned pick-up truck on March 27 in a tunnel far from where they had been detained. On April 14, the dead bodies of the four missing men were discovered. The state prosecutor's office commented publicly that it was investigating the case as a crime of enforced disappearance. Hector Murguia Lardizabal, mayor of Ciudad Juarez, said that he had also ordered the city's police department of internal affairs to investigate the case. Three local police were arrested on April 8 and at year's end legal proceedings against them were ongoing.

In February 2010 soldiers in Chilpancingo, Guerrero, allegedly beat and took Raul Evangelista Alonso from his home. Several days later in the same city, Roberto Gonzalez Mosso was abducted by masked individuals claiming to be from the Office of the Deputy Attorney General for Special Organized Crime Investigations (SIEDO). At year's end neither individual had been seen, and information on the status of the investigation was unavailable.

Kidnapping remained a serious problem for persons of all socioeconomic levels. The government reported a 6 percent increase in kidnappings in the first half of the year compared with the same period in 2010. Many kidnapping cases continued to go unreported, as families feared repercussions and often negotiated directly with kidnappers. Informed observers believed the number of cases reported to authorities was far less than the actual number. There were credible reports of police involvement in kidnappings for ransom, primarily at the state and local level. In February a law against kidnapping went into effect that mandates harsher penalties for convicted kidnappers and the improvement of victims' services. The government continued to advance compliance with its 2008 "National Agreement on Security, Justice and Legality," which calls for the establishment of specialized, vetted antikidnapping units. At year's end 22 states had established such units.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and other cruel, inhuman, or degrading treatment and stipulates that confessions obtained through illicit means such as torture are not admissible as evidence in court. Similarly inadmissible is any confession made directly

to police. To be admissible a confession must be formally recorded before a prosecutor with the acknowledgement that it is being made voluntarily and after examination by a doctor confirming that the person has not been subjected to physical abuse. In multiple cases, however, the CNDH verified the falsification of medical certificates to cover up torture.

During the year the CNDH received 1,626 complaints of cruel or degrading treatment and 42 torture complaints, compared with 1,170 complaints of cruel or degrading treatment and 10 torture complaints in 2010. In some instances U.S. citizens reported receiving beatings, suffocation, and administration of electric shock when in the custody of arresting authorities.

In its November 2011 report, Human Rights Watch (HRW) reported more than 170 cases of torture committed by security forces in the states of Baja California, Chihuahua, Guerrero, Nuevo Leon, and Tabasco since the beginning of the government's fight against TCOs in 2006. The report noted that the most common forms of torture included "beatings, asphyxiation with plastic bags, waterboarding, electric shocks, sexual torture, and death threats."

On August 31, the CNDH issued a recommendation regarding grave human rights violations suffered by Israel Arzate Melendez, a resident of Ciudad Juarez accused of having participated in the massacre of Villas de Salvarcar in January 2010, in which a group of young people were killed in Ciudad Juarez. Several days later soldiers reportedly detained Arzate as he was walking in the street. During the ensuing car ride and upon arrival at the 20th Motorized Cavalry Regiment in Ciudad Juarez, Arzate was allegedly beaten, tortured with electric shocks to the chest and abdomen, and asphyxiated with a plastic bag. Soldiers later said that they had detained him for being in possession of a stolen vehicle. The soldiers presented Arzate before the public prosecutor 28 hours after his detention but kept him at the military facility, where in February 2010 he was allegedly forced to confess, under torture and threats, to having participated in the killings in Villas de Salvarcar. On December 6, the Ninth District Judge of Chihuahua dismissed evidence allegedly corroborating security forces' use of torture on Arzate. According to the NGO Miguel Agustin Pro Juarez Human Rights Center (Center Prodh), Arzate remained in pretrial custody at year's end and was returned on several occasions to military custody, where he was again tortured.

The government took steps to implement preventive measures against the practice of torture, including applying, at the federal level, the Istanbul Protocol, which contains guidance on investigating and documenting torture and other abuses. According to the Attorney General's Office (PGR), 14 of the country's 31 states had passed laws to implement the protocol and established offices to evaluate allegations. Additionally the PGR reported that it had provided training on human rights and torture to its local, state, and federal staff. During the year the CNDH conducted 181 human rights-related courses for SEDENA, 49 for the PGR, and 186 for the Secretariat of Public Security (SSP). The courses included sections on torture. The CNDH made 33 visits to prisons during the year specifically to monitor the application of the Istanbul Protocol and investigate torture allegations by prisoners.

In May 2010 the U.N. Subcommittee on the Prevention of Torture made public the recommendations from its 2009 report and visit. The Foreign Affairs Secretariat announced in July 2010 an action plan to implement the 122 recommendations listed in the report, although it had not published information on specific actions taken by year's end.

Instances of cruel, inhuman, and degrading treatment were reported to occur in public mental health institutions, including the use of unconsented lobotomies on persons with disabilities (see section 6, Persons with Disabilities).

Prison and Detention Center Conditions.—Prison conditions remained poor. During the year the CNDH and NGOs reported that corruption, overcrowding, prisoner abuse, alcoholism, and drug addiction were prevalent in most facilities. According to the CNDH, health and sanitary conditions were poor, and most prisons did not offer psychiatric care. According to accounts related to consular officers by prisoners, poorly trained, underpaid, and corrupt guards staffed most prisons, and authorities occasionally placed prisoners in solitary confinement for indefinite periods. Prisoners often had to bribe guards to acquire food, medicine, and other necessities. Prison overcrowding continued to be a common problem. According to the SSP, as of July there were 227,671 prisoners in 431 facilities in the country, which were approximately 23 percent above capacity. Approximately 217,200 (95.4 percent) of those inmates were men and 10,470 (4.6 percent) were women. The official number of juvenile inmates was unknown. In its Strategic Plan for 2008-12, the SSP described the penitentiary system as "one of the most underdeveloped and abandoned components of public security."

Prison conditions in the country varied greatly across states and facilities. There were reports of dire and at times life-threatening conditions for prisoners due to overcrowding, posing risks to the prisoners' physical safety and health. The CNDH noted that lack of access to adequate healthcare was a significant problem at all facilities. Prisoners generally had access to potable water.

The SSP reported that between July 2010 and July 2011, 52 inmates were killed in prison. The most significant prison riots during the year were caused by skirmishes between prisoners from rival gangs and cartels. In July an incident in a prison in Nuevo Laredo left seven dead and allowed 59 prisoners to escape, 35 of whom were being held on federal charges such as drug trafficking. Later that month a prison riot in Ciudad Juarez resulted in the deaths of 17 inmates. Cameras showed prisoners gaining access to cells using a guard's keys and firing what appeared to be automatic weapons at the individuals inside. On October 15, 20 prisoners died and 12 were wounded in a prison riot at Matamoros's state prison. Authorities claimed the riot was caused by feuding groups within the prison.

Pretrial detainees were routinely held together with convicted criminals. In its September report on the state of the penitentiary system, the CNDH noted that conditions for female prisoners were inferior to those for men, particularly for women who lived with their children in prison, due to a lack of appropriate living facilities and specialized medical care. There were reports that women who lived with their children in prison did not receive extra food or assistance. There were reports of physical and sexual abuse of women while in detention.

In December 2010 inmate Gabriela Elizabeth Muniz Tamez was taken from an official police vehicle by unidentified armed men allegedly belonging to a TCO while being transferred from a prison to a nearby hospital in Monterrey, Nuevo Leon. Her body, which bore signs of torture, was later found hanging from a bridge in the city.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. While prisoners and detainees were generally permitted to lodge complaints about human rights violations, access to justice was inconsistent, and the results of investigations were generally not made public.

The government permitted independent monitoring of prison conditions by the International Committee of the Red Cross (ICRC), the CNDH, and state human rights commissions. The CNDH made 153 visits to civilian and military prisons and detention centers nationwide during the year to monitor conditions. The CNDH also opened 329 complaint cases based on concerns about human rights violations against prisoners and received 235 complaints of "cruel treatment."

Independent monitors are generally limited to making recommendations to authorities to improve prison conditions. The CNDH has an ombudsman dedicated to prison issues, but the office does not provide legal representation for prisoners.

The federal government worked to improve prison conditions by implementing its 2008-12 strategic plan focused on security, rehabilitation, and education. During the year the SSP worked to improve the federal penitentiary system through programs dedicated to preparing prisoners for future employment, modernization of security equipment, standardization of norms and procedures throughout the prison system, and creation of university majors in prison administration. The SSP also finalized and implemented a new prisoner classification system and file format for offenders housed in federal prisons. In November the SSP initiated an international accreditation process to standardize facilities in the federal penitentiary system. There were no known improvements in alternatives to sentencing for nonviolent offenders during the year.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention as well as sponsoring or covering up an illegal detention. However, the CNDH reported receiving 1,744 complaints of arbitrary arrests and detentions during the year.

Role of the Police and Security Apparatus.—The federal police, under the SSP, as well as state and municipal police, have primary responsibility in law and in practice for law enforcement and the maintenance of order. SEDENA, which oversees the army and the air force, and the Secretariat of the Navy (SEMAR), which oversees the navy and the marines, also play an important role in the fight against transnational organized crime.

According to the CNDH, SEDENA was the government entity with the greatest number of human rights complaints (1,695) filed against it during the year.

The CNDH stated that deployment of the armed forces for domestic law enforcement in the struggle against TCOs led to an increased number of reported human rights abuses. The lack of clear protocol for use of force and rules of engagement worsened the problem, leading President Calderon in December 2010 to instruct military and police forces to establish protocols for the legitimate use of force.

SEMAR, which played an increasingly important domestic security role, saw CNDH human rights complaints more than double from 198 in 2010 to 495 in 2011. Credible human rights NGOs continued to charge that an opaque military justice system contributed to impunity, pointing to a failure to openly and promptly investigate, prosecute, and convict members of the military for human rights violations.

The CNDH reported that police, immigration officers, and customs officials violated the rights of undocumented migrants and failed to provide for their safety. In August a Guatemalan migrant was beaten to death in Mexico State, allegedly by municipal police.

During the year the CNDH issued 25 recommendations (based on certifications that a case involved a serious human rights violation and merits further investigation or sanction) to SEDENA concerning allegations of human rights violations committed by members of the armed forces, compared with 22 in 2010. SEDENA accepted all of the recommendations and affirmed its commitment to collaborating with the CNDH on outstanding investigations. The CNDH issued six recommendations to SEMAR during the year, the same number as in 2010. The CNDH also issued six recommendations to the PGR and 15 to the SSP. All of these recommendations were accepted.

SEDENA's General Directorate for Human Rights investigates military personnel for violations of human rights identified by the CNDH and is tasked with promoting a culture of respect for human rights within the institution. However, the directorate has no power to ensure allegations are properly prosecuted. Human rights NGOs such as Center Prodh complained about a lack of access to the directorate and maintained the directorate had not improved SEDENA's human rights performance.

Despite a persistent lack of human rights-related prosecutions by military tribunals, SEDENA took steps to increase transparency on its handling of human rights cases, such as listing on its Web site the status of military trials and their compliance with CNDH recommendations.

SEDENA reported that at year's end 16 soldiers and three officers had been sentenced since 2006 for human rights-related crimes committed against civilians. Additionally, SEDENA reported that 168 soldiers were under investigation and 65 were in a military trial process for a variety of human rights offenses.

The CNDH provided human rights training to 30,108 military personnel during the year. SEDENA reported that during the year 207,829 soldiers participated in courses dedicated to human rights.

The SSP worked with the International Organization for Migration and experts from the ICRC to train federal police officers on human rights. The ICRC also provided training to military personnel on international human rights law. Additionally, the CNDH trained 10,169 SSP officials. The SSP in collaboration with the National Autonomous University of Mexico continued to provide human rights training to federal police officers throughout the country. The SSP, the Latin American Institute for Education Communication, and a foreign donor established a Masters Degree on Human Rights for SSP personnel. Separately, the CNDH provided training to 1,448 PGR personnel.

Arrest Procedures and Treatment While in Detention.—By law only duly authorized officials are permitted to apprehend an individual. However, a warrant for arrest is not required if the official has reasonable suspicion about the person's involvement in a crime. Bail exists but not for persons being held in connection with drug trafficking or other forms of organized crime. In states that had not yet implemented the 2008 reforms, pretrial release on bond was available only in cases in which the charged offense was not considered a serious crime. In most cases persons must be presented to a judge, along with sufficient evidence to justify their continued detention, within 48 hours of their arrest. According to many NGOs, in practice there were violations of this 48-hour provision. The CNDH received 423 complaints involving illegal detention.

In organized crime cases (involving three or more persons who organize for the purpose of committing certain crimes), suspects may be held for up to 96 hours before being presented to a judge. Only the federal judicial system can prosecute organized crime cases. However, in recognition of the complex nature of organized crime, the constitution was amended to stipulate that, under a precautionary procedure known as "arraigo," certain suspects may, with the approval of a judge, be detained for up to 80 days prior to the filing of formal charges. In the absence of formal charges, persons so detained are not entitled to legal representation and are not eligible to receive credit for time served if convicted. During her July visit, U.N. High Commissioner for Human Rights Navi Pillay criticized this form of pretrial detention as a violation of due process that facilitated torture. Human rights groups, in-

cluding the CMDPDH, alleged that arraigo was used to obtain forced confessions. In July the state of Chiapas declared the practice illegal.

In areas involving military operations against TCOs, SEDENA personnel detained individuals without the involvement of state or federal investigators authorized to collect evidence for use in subsequent prosecutions. The PGR claimed it was not always notified in a timely manner of the detentions, which complicated efforts to prosecute and convict arrestees.

While detainees usually were allowed prompt access to family members and to counsel, there were complaints that in some cases police held persons incommunicado for several days and made arrests arbitrarily and without a warrant. While indigent detainees are provided counsel under law, in practice counsel was generally only provided during trials and not during arrests or investigations. Detainees were sometimes held under house arrest. Human rights NGOs documented and the CNDH issued several recommendations confirming that the army frequently detained civilians for extended periods of time before placing them at the disposition of civilian authorities.

Pretrial Detention.—The law provides time limits within which an accused person must be tried. However, due to caseloads that far exceeded the capacity of the federal judicial system and the fact that most state judicial systems still used the written inquisitorial criminal justice system, such time limits often were disregarded. The Mexican Center for Research and Teaching in Economics (CIDE) and HRW reported that more than 40 percent of prisoners were held in pretrial detention, as opposed to serving time for a convicted offense. Many spent years in pretrial detention. According to CIDE the average period for prisoners awaiting trial is two years and of those sentenced, 14 percent were declared innocent after having served time in prison, and 85 percent received sentences of less than five years. For many of these, the time spent in prison ultimately exceeded the sentence, according to CIDE.

e. Denial of Fair Public Trial.—Although the constitution and law provide for an independent judiciary, court decisions were susceptible to improper influence by both private and public entities, particularly at the state and local level, according to CIDE. Civil society organizations reported that corruption, inefficiency, and a lack of transparency continued to be major problems in the judiciary.

International bodies, including the IACHR and the Office of the U.N. High Commissioner for Human Rights (OHCHR), criticized the government's failure to limit military jurisdiction over human rights cases. Article 57 of the military code of justice defines crimes against military discipline as "state or common offenses that have been committed by active duty military." In practice civilian courts generally ceded jurisdiction to the military in cases where military personnel stood accused of human rights violations committed against civilians. However, in July the Supreme Court ruled that civil courts at all levels should guide their decisions by the constitution and the country's human rights obligations under international conventions when such laws are found to conflict with other codes and norms, including Article 57 of the military justice code. President Calderon reiterated in a speech on December 10 his administration's commitment to transfer human rights crimes from military to civilian jurisdiction. At year's end two human rights cases involving the military had been transferred to civilian jurisdiction, and a Guerrero state judge had ordered that a third case also be transferred.

Trial Procedures.—The civilian legal system is a hybrid system. While it incorporates some aspects of common law and accusatory-style systems, it draws primarily from traditional European code-based, inquisitorial systems. The 2008 constitutional criminal justice reforms mandated implementation of an oral adversarial system and the presumption of innocence by 2016. The military employs an inquisitorial legal system but continued to move toward an oral accusatorial system.

At year's end 12 states had passed legislation transitioning to the oral, adversarial system and were at various stages of training and implementation, and 13 states were in the process of legislating reforms. Under the old system, still being used by the federal government, federal district, and 23 states—some of which had passed reforms but were still transitioning to the new system—a typical trial consists of a series of fact-gathering hearings during which the court receives documentary evidence or testimony. A judge in chambers reviews the case file and then issues a final, written ruling. The record of the proceeding is not available to the general public; only the parties involved have access to the official file and only by special motion.

The 2008 constitutional criminal justice reform establishes that defendants enjoy a presumption of innocence. However, such rights are not provided for in jurisdictions that have not completed reform implementation and still operate under the inquisitorial system.

The constitutional reform provides for the right of the accused to attend the hearings and challenge the evidence or testimony presented, and the government generally respected these rights in practice. In most cases court proceedings were open to the public. Defendants are not tried by jury.

While the law provides defendants with the right to an attorney at all stages of criminal proceedings, in practice this only meant that authorities had to appoint a "person of confidence," who was not required to meet any particular legal qualifications to represent a defendant. Because of the nascent implementation of the 2008 reforms, not all public defenders had preparation and training to serve adequately on the defendants' behalf, and often the state public defender system was not adequate to meet demand. Public defender services were placed either in the judicial or executive branch. There were rarely autonomous public defender services. According to Amnesty International (AI) and CIDE, most criminal suspects did not receive representation until after they were placed under judicial authority, thus making individuals vulnerable to coercion to sign false statements before being presented to a judge.

Although the law provides for translation services from Spanish to indigenous languages to be available at all stages of the criminal process, NGOs noted that this generally was not done. Indigenous defendants who did not speak Spanish sometimes were unaware of the status of their cases, and some suspects were convicted without fully understanding the documents they were required to sign.

According to human rights NGOs, including HRW and AI, despite enactment of the 2008 judicial reform legislation, judges, particularly in areas that had not yet implemented the reforms, continued to allow statements coerced through torture to be used as evidence against the accused. Confessions were often the primary evidence in criminal convictions in these cases (see section 1.c.). NGOs asserted that judges often gave greater evidentiary value to the first declaration of a defendant given in the absence of legal representation, providing prosecutors an incentive to obtain an incriminating first confession. For their part law enforcement officials complained that defendants frequently made baseless claims of coerced confessions as a way to win acquittal.

The 2008 justice reform establishes strict guidelines on the use of confessions, evidence, and expert testimony; allows consensual monitoring of telephone calls; and gives police more responsibility for conducting investigations. The reform stipulates that all hearings and trials must be conducted by a judge and under the principles of public access, immediacy, confrontation, and cross-examination, promoting greater transparency and allowing defendants to challenge their accusers. The law allows the government to keep elements of an investigation confidential until evidence is presented in court, and defendants do not usually have access to government-held evidence.

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

Regional Human Rights Court Decisions.—In 2009 the Inter-American Court of Human Rights issued a binding ruling calling for the country to evaluate and reform the process of using military courts to try human rights cases involving civilians. In July the Supreme Court ruled that civilian courts must maintain cases involving human rights abuses of civilians in civilian jurisdiction. In August military prosecutors declined jurisdiction over two high-profile human rights cases (see section 6, Indigenous People). The government also held public ceremonies honoring victims in accordance with three Inter-American Court rulings.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters to which citizens have access to seek damages for a human rights violation. However, for a plaintiff to secure damages against a defendant, the defendant first must have been found guilty in a criminal case, which was a high standard in view of the relatively low number of individuals convicted of human rights abuses in the country.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—Although the law prohibits such practices and requires search warrants, the CNDH received 213 complaints of illegal searches or destruction of property during the year, most related to the fight against organized crime.

The NGO Tlachinollan Mountain Center for Human Rights, located in Ayutla de los Libres, Guerrero, reported instances of soldiers entering employees' homes without a warrant and appropriating personal property.

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 re-

spected these rights in practice. Most newspapers and television and radio stations were privately owned, and the government had minimal presence in the ownership of news media.

Freedom of the Press.—Despite federal government support for freedom of the press, many journalists were the victims of threats, harassment, and violence. Reporters covering organized crime, including its links to corrupt public officials, acknowledged practicing self-censorship, recognizing the danger investigative journalism posed to them and to their families. In their final report released in June following a country visit in 2010, the U.N. and Organization of American States special rapporteurs for the promotion and protection of the right to freedom of opinion and expression characterized the states of Chihuahua, Coahuila, Durango, Guerrero, Michoacan, Nuevo Leon, Sinaloa, and Tamaulipas as "completely silent" due to dramatic levels of media self-censorship.

The law does not provide a legal framework for issuing permits to nongovernmental and noncommercial community radio stations.

Violence and Harassment.—According to the NGO Article 19, during the year nine journalists were killed—four in the state of Veracruz—and two disappeared, compared with nine such killings and four disappearances in 2010. The CNDH reported that 70 journalists had been killed and 13 disappeared since 2000.

The PGR's Office of the Special Prosecutor for Crimes Against Journalists accepted jurisdiction of more than 15 cases between September 2010 and June 2011. The CNDH issued three recommendations on crimes against journalists during the year.

High-profile cases included the following:

Noel Lopez Olguin, a columnist for the newspaper La Verdad de Jaltipan in Veracruz, was kidnapped on March 8 and found dead on May 31 in that state. His body was discovered after a drug gang member confessed to the killing. According to reports, Lopez wrote stories on corruption involving organized crime.

Two reporters from Notiver in Veracruz were killed during the year. Miguel Angel Lopez Velasco, a columnist for the newspaper, was found dead in his Veracruz home along with his wife and 21-year-old son on June 20. Juan Carlos "El Naca" Carranza Saavedra was named as a suspect by the state attorney general and a three million peso ($233,000) reward was offered for information leading to his arrest. Lopez's writings focused on drug trafficking and security. On July 26, the body of Yolanda Ordaz de la Cruz, a crime beat reporter for Notiver, was also found in Veracruz. A note left at the crime scene suggested a connection between the two killings. At year's end information on the investigations remained unavailable.

No developments were reported in the arrest and investigation of suspects associated with multiple 2010 cases of violence against journalists.

In October 2010 the government announced the launching of a journalist protection mechanism. While NGOs such as Article 19 noted that the mechanism had not been effectively implemented due to a lack of funding, insufficient consultation with civil society, and reliance on local rather than federal authorities for protection responsibilities, the government made efforts to involve civil society and work with international partners to train personnel involved in the mechanism's implementation. In a speech on December 10, President Calderon reiterated his administration's commitment to improve mechanisms to protect journalists and human rights defenders in cooperation with the CNDH and the U.N. He identified organized crime as the major source of kidnapping threats and noted that the mechanism had provided protection to 11 individuals thus far.

Libel Laws/National Security.—Although defamation, libel, and slander are not federal offenses, 17 states have criminal libel laws making journalists vulnerable to imprisonment at the state level.

Nongovernmental Impact.—TCOs exercised an increasing influence over media outlets and reporters, at times directly threatening individuals who published critical views of crime groups.

On September 24, police in Nuevo Laredo found the headless body of a female journalist who wrote on TCO activity as an online blogger under the pseudonym of "La Nena de Laredo" ("Laredo Girl"). Two other Nuevo Laredo-based bloggers were allegedly tortured and killed by TCOs in September and November, again in retaliation for posting comments on the Internet about local drug cartels.

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.

As citizens increasingly used social media Web sites such as Twitter and Facebook to obtain and share drug-related news, violence against the users of these sites rose dramatically.

Two states introduced new restrictions on the use of social media. In August Veracruz officials arrested Gilberto Martinez Vera and Maria de Jesus Bravo Pagola for allegedly spreading rumors of violence on Twitter. They were released following protests from civil society groups, but the state created a new "public disturbance" offense for use in similar cases in the future. Similarly, the state of Tabasco outlawed telephone calls or social network postings that could provoke panic. Civil society groups feared that the laws could be used to curb freedom of expression online.

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 the government generally respected this right in practice. However, there was at least once instance of security forces using force against demonstrators during the year.

On December 12, approximately 500 students from the Teachers' College of Ayotzinapa in the state of Guerrero, along with members of civil society organizations, blocked traffic on an important federal highway near the state capital and demanded a meeting with the governor to discuss conditions at the school. When state and federal police attempted to dislodge the protesters and reopen the highway, both security forces and protesters resorted to violence, during which police shot and killed two protesters, and protesters set fire to a gas station, resulting in the death of a gas station employee. NGOs and the state human rights commission condemned the killings. At year's end the governor of Guerrero had fired a number of high-ranking state officials in connection with the killings, and investigations were continuing.

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. However, according to several NGOs including AI, the army in the course of its operations occasionally restricted freedom of movement. 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, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement.—In a February report, the CNDH estimated that approximately 11,330 migrants were kidnapped between April and September 2010 as they attempted to transit the country to cross the border into the United States, although the National Migration Institute (INM) disputed this claim, noting that they had registered only 222 such cases during the same period. Many migrants were reluctant to report such crimes due to fear of being deported.

Forty Central American migrants were abducted from a train in December 2010. Another mass kidnapping of migrants riding a train from Oaxaca to Veracruz took place in June. Both the CNDH and the INM continued to investigate the incidents at year's end.

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.

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

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

Elections and Political Participation.—Recent Elections.—The closely contested 2006 presidential election, in which Felipe Calderon was elected president to a six-year term, was considered generally free and fair by most neutral observers, including EU representatives and local and international civil society organizations.

Participation of Women and Minorities.—As of December there were 30 women in the 128-seat Senate and 141 women in the 500-seat lower house. Two female justices sat on the 11-member Supreme Court, and there were four women in the 19-member cabinet. Many state electoral codes provide that no more than 70 to 80 percent of candidates can be of the same gender. Some political parties utilized quotas requiring that a certain percentage of candidates on a party list be female.

There were no established quotas for increased participation of indigenous groups in the legislative body, and no reliable statistics were available regarding minority participation in government. The law provides for the right of indigenous people to elect representatives to local office according to "usages and customs" law rather than federal and state electoral law. Usages and customs laws applied traditional practices to resolve disputes, chose local officials, and collected taxes without federal or state government interference. While such practices allowed communities to select officials according to their traditions, the usages and customs law generally excluded women from the political process and often infringed on the rights of women and religious minorities. The application of the law varied by village. In some villages women were not permitted to vote or hold office; in others they could vote but not hold office.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption. However, the government did not always implement the law effectively. Credible reports indicated that officials frequently engaged in corrupt practices with impunity and that relatively few cases were brought to trial. Corruption at the most basic level involved paying bribes for routine services or in lieu of fines to administrative officials and security forces. More sophisticated and less apparent forms of corruption included overpaying for goods and services to provide payment to elected officials and political parties.

During the year the PGR initiated legal proceedings against 102 employees for corruption, 18 of whom were convicted at year's end. The INM dismissed 400 employees accused of corruption and human trafficking, 15 of whom were under PGR investigation at year's end. The state of Veracruz fired more than 1,000 police officers after they failed newly implemented vetting checks.

The CNDH reported that police, particularly at the state and local level, were involved in kidnapping, extortion, and in providing protection for, or acting directly on behalf of, organized crime and drug traffickers. Local forces in particular tended to be poorly compensated and directly pressured by criminal groups, leaving them most vulnerable to infiltration. Responsibility for investigating federal police criminal abuse falls under the purview of the PGR or the Secretariat of Public Administration, depending on the type of offense.

On December 2, Humberto Moreira, the former governor of Coahuila (2005-11) and then party leader of the Institutional Revolutionary Party (PRI), announced his resignation from party leadership amid escalating controversy over a debt scandal during his tenure as governor. In August the PGR began a criminal investigation into allegations that the state government of Coahuila had underreported its debt by almost $3 billion and had forged official documents to obtain loans. The Secretariat of Finance filed a criminal lawsuit with the PGR against the state of Coahuila, and the investigation continued at year's end.

On September 1, federal police arrested a state police officer in connection with the August 25 arson attack on a casino in Monterrey that left 52 people dead. The unidentified state officer was one of several men seen in a surveillance camera video arriving at the casino in a caravan. Some of the men rushed in to set the building on fire in what authorities suspected may have been retaliation for the casino's owners refusing to pay an extortion demand to organized criminals. At year's end at least five suspects had been detained by federal authorities and investigations continued.

In May 2010 SIEDO prosecuted Cancun Mayor Gregorio Sanchez, and a federal judge charged him with money laundering, drug trafficking, and cooperating with drug traffickers. These charges were eventually dropped. Sanchez was arrested once again in July for allegedly smuggling Cuban citizens into the country, and for additional drug allegations, but he was released in August.

Financial disclosure and accounting laws are overseen by the National Banking and Exchange Commission. In practice authorities' application of the laws was inconsistent.

Internal controls and vetting processes were applied to new SSP entrants and incrementally expanded to existing staff. The SSP managed a database of police at all levels whose records, including misdeeds, are catalogued. The SSP expanded the Intranet-based communications platform, Plataforma Mexico, allowing for communication and coordination with federal and some state and local police throughout the country. At both federal and state levels, authorities provided for the establishment of Citizen Participation Councils (CPCs) to address citizen complaints about police and other justice system actors. CPCs created "observatories" to monitor criminal justice and security issues.

Despite significant institutional and regulatory changes increasing government transparency, access to information continued to be difficult in some states. The Federal Institute of Access to Public Information (IFAI), the agency responsible for freedom of information requests, received more than 120,000 such requests during the year. All states have laws complying with the 2007 constitutional reforms regarding access to information and have signed formal agreements with IFAI to make the information system on government operations, Infomex, available for petitions for state government information.

In March the Supreme Court ruled that the PGR had the right to withhold information from the CNDH in cases that are actively under investigation. The decision was in response to the July 2010 case brought by the CNDH challenging the PGR's right to withhold 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 somewhat cooperative and responsive to their views. The government made periodic attempts to engage civil society on human rights issues by encouraging participation in policy debates and engaging with victims and their family members in public discussions. President Calderon and his secretary of government engaged in public discussions on several occasions with peace activist Javier Sicilia on human rights issues and the government's security strategy. These discussions resulted in the creation of a Special Prosecutor for Victim Assistance (PROVICTIMA) in September, which assisted approximately 3,000 crime victims by year's end. Some NGOs, however, expressed frustration over the difficulty to engage in constructive human rights discussions with government officials.

The U.N. and NGOs reported harassment of human rights defenders. The CNDH received 59 complaints of aggression against human rights activists and 16 requests for protection. NGOs maintained that state and municipal authorities harassed defenders. The Inter-American Court of Human Rights ordered protective measures in six cases involving human rights defenders during the year. In July the president announced the launch of a national mechanism to protect human rights defenders.

Government Human Rights Bodies.—The CNDH is the autonomous agency created by the government and funded by the legislature to monitor and act on human rights violations and abuses. It can call on government authorities to impose administrative sanctions or pursue criminal charges against officials, but it cannot impose legal sanctions itself. Whenever the relevant authority accepts a CNDH recommendation, the CNDH is required to follow up with the authority to ensure that it is, in fact, carrying out the recommendation. The CNDH sends a request to the authority asking for evidence of its compliance and reports this follow-up information in its annual report. When authorities fail to accept a recommendation, the CNDH makes that known publicly. NGOs and international organizations often drew attention to the failure of an institution to comply with or even accept CNDH recommendations. The CNDH was generally viewed by the public as unbiased and trustworthy. In June constitutional reforms increased the CNDH's capacity to investigate alleged violations and enforce its recommendations.

Each of the country's 31 states plus the Federal District has a state human rights commission autonomous from the CNDH.

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

The law prohibits discrimination based on race, gender, disability, language, or social status. While the government continued to make progress enforcing these provisions, significant problems, particularly violence against women, persisted.

Women.—Rape and Domestic Violence.—The law criminalizes rape, including spousal rape, and imposes penalties of up to 20 years' imprisonment. However, according to HRW and other NGOs, rape victims rarely filed complaints with police, in part because of the authorities' ineffective and unsupportive responses to victims, victims' fear of publicity, and a perception that prosecution of cases was unlikely. Human rights organizations asserted that authorities did not take seriously reports of rape, and victims continued to be socially stigmatized and ostracized.

Federal law prohibits domestic violence, including spousal abuse, and stipulates fines equal to 30 to 180 days' minimum salary and detention for up to 36 hours; actual sentences, however, were often more lenient. This countrywide law obligates federal and local authorities to prevent, punish, and eradicate violence against women. Nevertheless, according to the NGO Citizen Femicide Observatory

(Observatorio Ciudadano de Feminicidios), domestic violence was pervasive and mostly unreported.

State-level laws sanctioning domestic violence are weak. Seven states do not criminalize it, and 15 states punish it only when it is a repeated offense. According to a survey conducted by the National Institute of Public Health in several of the country's rural and indigenous communities, victims did not report abuses for a variety of reasons, including fear of spousal reprisal, shame, and the view that the abuse did not merit a complaint. There were no authoritative statistics available on the number of abusers prosecuted, convicted, and punished. The 2006 National Survey on Household Relationships, the most recent such survey completed, suggested that 67 percent of women over age 15 had suffered some abusive treatment.

According to the Citizen Femicide Observatory, more than 1,700 girls, teenagers, and women were killed between January 2009 and June 2010.

The PGR's Special Prosecutor for Violence against Women and Trafficking in Persons (FEMVITRA) is responsible for leading government programs to combat domestic violence and federal human trafficking cases involving three or fewer suspects. With only five lawyers dedicated to federal cases of violence against women and trafficking countrywide as of 2010, FEMVITRA faced challenges in moving from investigations to convictions, although it achieved several.

There were approximately 70 government-funded shelters. Civil society and women's rights groups maintained numerous shelters as well.

Sexual Harassment.—Federal law prohibits sexual harassment and provides for fines of up to 40 days' minimum salary. Sexual harassment is also criminalized in 26 states and the Federal District. Twenty-two of these states have provisions for punishment when the perpetrator is in a position of power. According to the National Women's Institute (INMUJERES), the federal government institution charged with directing national policy to achieve equality of opportunity between men and women, sexual harassment in the workplace was widespread, but victims were reluctant to come forward and cases were difficult to prove.

Sex Tourism.—The country was a destination for sex tourists, particularly from the United States. There are no laws specifically prohibiting sex tourism with adults, although federal law criminalizes corruption of minors, for which the penalty is five to 10 years' imprisonment.

Reproductive Rights.—Couples and individuals have the legal right to decide the number, spacing, and timing of children and have the information and means to do so free from discrimination. However, services, information, and public policies in the area of reproductive health were limited. Despite the existence of a national family planning program, the lack of sex education and contraceptives in public hospitals and rural areas undermined the government's commitment to reproductive rights. The Population Reference Bureau reported that 66 percent of women used modern contraceptives. Information on maternal health was available at public and private health clinics and online at the Federal Secretariat of Health's Web site. Skilled attendants at delivery and in postpartum care were widely available except in some marginalized areas. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections.

Discrimination.—The law provides women the same rights and obligations as men and "equal pay ... for equal work performed in equal jobs, hours of work, and conditions of efficiency." According to INMUJERES, during the year women earned between 5 and 14 percent less than men for comparable work. INMUJERES reported that its national hotline received 5,881 calls during the year. The law provides labor protection for pregnant women. According to the Information Group on Reproductive Rights, some employers reportedly sought to avoid this law by requiring pregnancy tests in preemployment physicals and by continuing to make inquiries into a woman's reproductive status.

Children.—Birth Registration.—The country provides universal birth registration in principle, with citizenship derived both by birth within the country's territory and from one's parents.

Citizens generally registered the birth of newborns with local authorities. In some instances government officials visited private health institutions to facilitate the process. Failure to register births could result in the denial of public services, such as education or health care, to children living in communities where such services were in any event not widely available. According to UNICEF, 93.4 percent of children in the country were registered. However, states with large rural and indigenous populations, such as Chiapas, Guerrero, Oaxaca, and Puebla, had comparatively lower registration rates. According to UNICEF, as of 2009 only 61.7 percent of children in Chiapas were registered by their first birthday. At year's end, following appeals by UNICEF, the states of Oaxaca and Chiapas made birth registra-

tion free, resulting in the registration of thousands of previously unregistered children.

Child Abuse.—In 2000—when the most recent survey was undertaken—the Federal Elections Institute and UNICEF reported that 28 percent of children ages six to nine, 9 percent of those ages 10 to 13, and 10 percent ages 14 to 17 reported being treated violently at home. According to the survey, 33 percent of rural children and youths and 26 percent of urban children and youths reported that adults sometimes resorted to insults and physical violence against children.

Child Marriage.—Child marriage has historically been a problem, but no current statistics were available. The minimum marital age in the country is 14 for girls and 16 for boys with parental consent, and 18 without parental consent. UNICEF estimated that in 2008—the latest year for which information was available—approximately 19.2 percent of women and 4.5 percent of males married before the age of 18. Many of these marriages occurred in indigenous communities governed by the "usages and customs" regime.

Sexual Exploitation of Children.—The antitrafficking law prohibits the commercial sexual exploitation of children. UNICEF reported that approximately 16,000 children were involved in commercial sexual exploitation. It was not uncommon to find minors engaged in prostitution. The NGOs Center for Studies and Investigation in Development and Social Assistance, Casa Alianza, and National Network of Shelters reported that sex tourism and sexual exploitation of minors were significant problems in resort towns and northern border areas.

The country does not have a statutory rape law, but it has laws against corruption of a minor and child pornography that apply to victims under 18 years of age. For the crimes of selling, distributing, or promoting pornography to a minor, the law stipulates a prison term of six months to five years and a fine of 300 to 500 times the daily minimum wage. For the crime of involving minors in acts of sexual exhibitionism, the law mandates seven to 12 years in prison and a fine of 800 to 2,500 times the daily minimum wage. The production, facilitation, reproduction, distribution, sale, and purchase of child pornography carries a punishment of seven to 12 years' in prison and a fine of 800 to 2,000 times the daily minimum wage.

Perpetrators who promote, publicize, or facilitate sexual tourism involving minors, face seven to 12 years' imprisonment and a fine of 800 to 2,000 times the daily minimum wage. For those involved in sexual tourism who commit a sexual act with a minor, the law requires a 12- to 18-year prison sentence and a fine of 2,000 to 3,000 times the daily minimum wage. The crime of sexual exploitation of a minor carries an eight- to 15-year prison sentence and a fine of 1,000 to 2,500 times the daily minimum wage.

Institutionalized Children.—The NGO Disability Rights International found in a 2010 study that mentally disabled children in orphanages and care facilities were subject to a number of grave abuses, including trafficking in persons (see Persons with Disabilities below).

International Child Abductions.—The country is 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 no reports of anti-Semitic acts. According to the 2010 census, the Jewish community numbered approximately 67,000 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 discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other services. However, the government did not effectively enforce all these stipulations. Public buildings and facilities in Mexico City did not comply with the law requiring access for persons with disabilities, although the federal government stated that entrances, exits, and hallways in all of its offices were accessible to persons with disabilities. The education system provided special education for approximately 485,170 students with disabilities nationwide.

According to the National Commission for Persons with Disabilities, 63 percent of children with disabilities between the ages of six and 14 attended school, compared with 92 percent for those in the same age range without disabilities. Only 4 percent of the overall population with disabilities had finished university. According to the National Council to Prevent Discrimination, 60 percent of all persons with disabilities reported insufficient access to public or private health care. The CNDH

received 41 complaints of discrimination against persons with physical disabilities and six complaints of discrimination against persons with mental disabilities during the year.

The secretary of health collaborated with the secretaries of social development, labor, and public education, as well as with the Integral Development of the Family (DIF) and the Office for the Promotion and Social Integration of the Disabled, to protect the rights of persons with disabilities. The government established offices and programs for the social integration of persons with disabilities, including a program to enhance job opportunities and launch an online portal to disseminate information and assistance.

In its 2010 study, Disability Rights International (DRI) found widespread human rights abuses in mental institutions and care facilities across the country, including those for children. Abuses against disabled persons included lack of access to justice, the use of physical and chemical restraints and unconsented lobotomies on some patients, physical and sexual abuse, and trafficking of children with mental disabilities. Persons with disabilities often lacked adequate privacy and clothing and often ate, slept, and bathed in unhygienic conditions. They were vulnerable to abuse from staff members, other patients, or outsiders at facilities where there was little supervision.

DRI reported in 2010 that at the Samuel Ramirez Moreno Psychiatric Hospital in Mexico City, a man was restrained with a helmet and arm restraints during the day and bed restraints at night from at least March to September 2010. Authorities at the institution stated that long-term restraints were the only option they had to control the patient and that they were not administering any other form of treatment or therapy to improve his condition.

At the Cruz del Sur Psychiatric Hospital in Oaxaca in 2010, DRI investigators found a woman being held in a bed with restraints despite evidenced distress because she spoke an indigenous language that no member of the staff knew. The staff planned to keep her in restraints until members of her family arrived and could translate.

According to a 2010 survey by the National Council to Prevent Discrimination, 55 percent of persons with disabilities reported an income insufficient to cover their basic needs. More than 50 percent of those surveyed stated that their primary source of income was their family and only 40 percent reported having a job.

Indigenous People.—The CNDH and the State Secretariat of Indigenous Peoples in Chiapas acknowledged that indigenous communities have long been socially and economically marginalized and subjected to discrimination, particularly in the central and southern regions, where indigenous persons sometimes represented more than one-third of the total state population. In the state of Chiapas, the NGOs Fray Bartolome de las Casas and International Service for Peace argued that indigenous peoples' ability to participate in decisions affecting their lands, cultural traditions, and allocation of natural resources was negligible.

Indigenous groups claimed that the country's legal framework neither respected, nor prevented violations of, the property rights of indigenous communities. Communities and NGOs representing indigenous groups reported that the government did not consult indigenous communities adequately when making decisions about development project implementation on indigenous land. There was also limited consultation with indigenous communities regarding the exploitation of energy, minerals, timber, and other natural resources on indigenous lands.

Indigenous persons did not live on autonomous reservations, although some indigenous communities exercised considerable local control over economic, political, and social matters. In Oaxaca State, for example, 70 percent of the 570 municipalities were governed according to the indigenous regime of "usages and customs," which did not follow democratic norms such as the secret ballot, universal suffrage, and political affiliation.

In May authorities detained Rufino Juarez Hernandez, the head of the Union of Social Well-Being of the Triqui Region, in connection with the April 2010 killings of two members of a humanitarian aid mission traveling in Oaxaca. Members of the European Parliament, who visited the country in September to determine the status of the case, applauded the detention but noted the justice system's continued failure to bring the crime to trial.

The government generally showed respect for the desire of indigenous persons to retain elements of their traditional culture. The law provides for educational instruction in the national language, Spanish, without prejudice to the protection and promotion of indigenous languages. However, many indigenous children spoke only their native languages. In practice education in indigenous languages was limited by the lack of textbooks and teaching materials, as well as by the lack of qualified teachers fluent in these languages.

During the year the CNDH received 27 complaints and issued two recommendations on human rights abuses of the indigenous population. Most complaints pertained to a lack of interpreters and discriminatory practices by government officials.

NGOs such as Fray Bartolome de las Casas and International Service for Peace reported that state authorities and nongovernmental actors harassed and abused indigenous human rights defenders.

In June the Tlachinollan Mountain Human Rights Center in Ayutla de los Libres, Guerrero, which reopened that month, reported security threats, including instances of soldiers entering employees' homes without a warrant (see section 1.f.).

In October 2010 the Inter-American Court of Human Rights ruled on the cases of Organization of the Me'phaa Indigenous People members Valentina Rosendo Cantu and Ines Fernandez Ortega, indigenous women whom soldiers detained arbitrarily and raped in separate incidents in 2002. The court ordered the military to compensate the victims and their families, who had complained of harassment and intimidation by soldiers in the area since the court accepted the cases in 2006. In August the military declined jurisdiction over the cases and the PGR accepted jurisdiction. The federal government held a public ceremony in December in honor of the victims, complying with one aspect of the Inter-American Court ruling. The cases remained pending in federal courts at year's end.

The OHCHR, as well as NGOs AI, International Service for Peace, and the Network of All Rights for All, reported that Chiapas-based human rights defender Margarita Martinez and staff members of NGO Fray Bartolome de las Casas received death threats in November 2010 and October 2011 in connection with their work on human rights for indigenous groups in Chiapas. The group continued to receive protection, including from police, as instructed by the IACHR.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—While Mexican society increasingly accepted the lesbian, gay, bisexual, and transgender (LGBT) communities, the CNDH and the National Center to Prevent and Control HIV/AIDS stated that discrimination based on sexual orientation and gender identity persisted. In separate incidents during the year, unknown assailants killed two prominent LGBT activists. Authorities in both instances stated that the killings were "crimes of passion" within the gay community. Activists noted that this characterization was misleading and oversimplified patterns of violence against LGBT persons.

On May 3, Guerrero-based LGBT activist Quetzalcoatl Leija Herrera was found beaten to death near the city of Chilpancingo's central plaza.

On July 23, security guards discovered the body of Cristian Ivan Sanchez Venancio in his home near the center of Mexico City. Sanchez, a member of the Revolutionary Democratic Party's Coordinating Group for Sexual Diversity and an organizer of Mexico City's annual LGBT Pride Parade, was stabbed to death.

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

The CNDH alleged in August that the PGR was withholding information on a case in Tamaulipas in which 72 migrants were kidnapped from a bus and killed, reportedly by TCO members, in August 2010. The CNDH claimed the PGR's delay prevented them from making a recommendation. Another 50 migrants were reportedly kidnapped in Oaxaca in December 2010 by unknown persons. While one individual was arrested in June in connection with the Tamaulipas case, both cases remained under investigation at year's end. These and other high-profile crimes against migrants prompted the passage in May of a comprehensive migration law intended to protect the human rights of migrants. At year's end the government continued working with civil society groups to define the implementing regulations for the law.

The INM operated 52 migrant detention centers. The CNDH had an office in each of these facilities to monitor compliance for respect of detainee human rights. During its April visit, however, the U.N. Committee on the Protection of the Rights of All Migrant Workers and Members of their Families expressed concern over the conditions and treatment of migrants at the centers and recommended improving facilities and investigating allegations of abuse by authorities.

There were no developments in the September 2010 deaths of two suspected kidnappers in Asencion, Chihuahua, at the hands of a vigilante mob.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—Federal law provides workers the right to form and join unions, provides for the right to strike in both the public and private sector, and protects the right to bargain collectively. However, the law places several restrictions on these rights. The law does not pro-

hibit antiunion discrimination nor require reinstatement of workers fired for union activity.

Although the law requires a minimum of only 20 workers to form an independent union, it requires official recognition from the government to register the union formally and establishes administrative procedures for registration. The law prohibits the coexistence of two or more unions in the same state agency. Article 372 of the labor law bans foreign nationals from being members of trade union executive bodies. It also includes an "exclusion clause," which allows employers to terminate the contract of an employee who quits the union. During the year the Supreme Court of Justice determined that the exclusion clause was unconstitutional; however, the law had not been modified by year's end.

A union that has been established in accordance with its own bylaws may call for a strike or bargain collectively. The government can grant legal recognition to unions, a process known as "toma de nota," either to union executive leaders individually or to the entire executive committee. The law also limits the right to strike of a number of public officials, including many that do not exercise authority in the name of the government; restricts government employees—including banking sector employees—from striking unless there is a "systematic violation of their rights"; and requires that a two-thirds majority of workers in the relevant public service entity must be in favor of a strike. Before a strike may be considered legal, a union must file a "notice to strike" with the appropriate labor authorities.

Although the law authorizes the coexistence of several unions, it sets rules on which union has priority and limits collective bargaining to the union that has the largest number of workers. Migrant workers are excluded from relevant legal protections.

The government did not consistently protect these rights in practice. Its general failure to enforce labor and other laws left workers without much recourse with regard to violations of freedom of association, working conditions, or other problems. Union organizers from several sectors complained about the overt and usually hostile involvement of the government when organizers attempted to develop independent unions. The process for official government recognition of unions was politicized, and the government occasionally used the process to reward political allies or punish political opponents. According to union organizers, government labor boards frequently rejected union registration applications on technicalities. In addition, independent union activists claimed that the requirement that the government approve strikes in advance gave authorities the power to show favoritism by determining which companies would be protected from strikes.

Although few formal strikes occurred, in part because of the numerous restrictions on strikes, informal stoppages of work by both union and nonunionized groups were fairly common. According to union activists, employers frequently did not attend conciliation meetings between the parties as a stalling tactic.

Protection (company-controlled) unions continued to be a problem in all sectors, and many observers noted that a majority of organized workers belonged to unrepresentative unions. Officially sanctioned "protection contracts"—formal agreements whereby the company created an unrepresentative union in exchange for labor peace and other concessions—were common in all sectors and often prevented workers from fully exercising their labor rights as defined by law. These contracts were often developed prior to the company hiring any workers at a new job site and managed without direct input from workers. Collective bargaining agreements resulting from protection contracts usually failed to provide worker benefits beyond the legal minimum and impeded the rights of independent unions to effectively and legitimately bargain collectively on behalf of workers.

According to several NGOs and unions, many workers continued to face intimidation during bargaining rights elections from other workers, union leaders, or employers favoring a particular union. The practice of a voice vote was declared illegal by the Supreme Court. However, practices such as providing very limited notice prior to an election and allowing management or nonemployees to vote were increasingly common.

An October 31 election at the Telefonica-affiliated Atento Services was cancelled due to reports of violence. Workers at the call center were reportedly subjected to violence and intimidation by thugs outside the voting place and prohibited from entering. Workers claimed that they had planned to try to elect a nonprotection union, Telefonistas de la Republica Mexicana. The vote was subsequently rescheduled for November 9, and a protection union won. Workers sympathetic to Telefonistas de la Republica Mexicana claimed that they were again prohibited from voting.

Workers were reportedly expelled from official unions for trying to organize their colleagues into separate, independent unions. The "exclusion clause" in law gave these unions the right to prevent the formation of an authentic union by expelling

agitators from the "official" union, thereby obliging the company to fire these individuals. Some fired workers accused unions of harassment and intimidation.

At the end of 2010, the offices of the Worker Support Center (Centro de Apoyo al Trabajador—CAT) were looted and threatening messages were targeted at employees in response to the CAT's efforts to support workers at the Johnson Controls Interiors plant in Puebla. The leader of CAT received death threats. By April the Johnson Controls Interiors workers had ousted the "protection union" and signed a new agreement that included a 7.5 percent wage increase and better working conditions. However, CAT and its director continued to receive threats during the year, and its offices were again robbed. Authorities subsequently responded to the threats by instituting routine police patrols by CAT offices and providing dedicated cell phones to the CAT leadership in case of an emergency. The investigation continued at year's end.

b. Prohibition of Forced or Compulsory Labor.—Although the law prohibits all forms of forced or compulsory labor, the government did not effectively enforce such laws. Forced labor persisted in both the agricultural and industrial sectors. Women and children were subjected to domestic servitude. Migrants, including men, women, and children, were the most vulnerable 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 law prohibits children under the age of 14 from working and allows those between the ages of 14 and 17 to work limited daytime hours in nonhazardous conditions, and only with parental permission.

The government did not effectively enforce such prohibitions. According to sources including the International Labor Organization, government enforcement was reasonably effective at large and medium-sized companies, especially in factories run by U.S. companies, or the "maquila" sector, and other industries under federal jurisdiction; inadequate at many small companies and in the agriculture and construction sectors; and nearly absent in the informal sector, in which most children worked. The labor inspection process is complicated by complex divisions and a lack of coordination between federal and state jurisdictions. The Secretariat for Social Development, the PGR, and the National System for Integral Family Development all have responsibility for enforcement of some aspects of child labor laws or intervention in cases where such laws are violated. The Secretariat of Labor and Social Security (STPS) is responsible for carrying out child labor inspections.

The STPS was involved in programs that supported the elimination of child labor and the improvement of conditions for legally working minors. Beginning in September the STPS implemented a campaign in Baja California to educate workers and employers about agriculture workers' rights in 26 states. The STPS continued to work with global donors to implement programs to combat child labor in the agriculture sector, including in Michoacan, Veracruz, Chiapas, and Sinaloa. During the year the Secretariat for Social Development and DIF carried out programs to prevent child labor abuses and promote child labor rights, including specific efforts to combat the commercial sexual exploitation of children.

Child labor remained a problem. According to the most current government child labor survey, conducted between 2007 and 2009 by the National Institute of Statistics and Geography and the Ministry of Labor, the overall child occupation rate (five to 17 years old) fell from 12.5 percent to 10.7 percent, or approximately 3 million children. Forty-two percent of child labor occurred in the livestock and the agricultural sectors. Child labor in agriculture included the production of melons, onions, sugarcane, tobacco, and tomatoes. Other sectors with significant child labor included commerce, services, manufacturing, and construction.

d. Acceptable Conditions of Work.—The minimum daily wage, determined by zone, was 59.82 pesos ($4.29) in Zone A (Baja California, Federal District, state of Mexico, and large cities); 58.13 pesos ($4.16) in Zone B (Sonora, Nuevo Leon, Tamaulipas, Veracruz, and Jalisco); and 56.70 pesos ($4.06) in Zone C (all other states). Most formal sector workers received between one and three times the minimum wage. The National Council for Evaluation of Social Development Policy estimated the poverty line at 64 pesos ($4.58) per day for 2011.

The law sets six eight-hour days and 48 hours per week as the legal workweek. Any work more than eight hours in a day is considered overtime, for which a worker receives double the hourly wage. After accumulating nine hours of overtime in a week, a worker earns triple the hourly wage; the law prohibits compulsory overtime. The law includes eight paid public holidays, and one week of paid annual leave after completing one year of work. The law requires employers to observe occupational safety and health regulations, issued jointly by the STPS and the Mexican Institute

for Social Security. Legally mandated joint management and labor committees set standards and are responsible for overseeing workplace standards in plants and offices. Individual employees or unions may complain directly to inspectors or safety and health officials. By law workers may remove themselves from hazardous situations without jeopardizing their employment.

The STPS is responsible for enforcing labor laws and employed 376 federal labor inspectors during the year, compared with 218 in 2007. The STPS carried out regular inspections of workplaces, using a questionnaire to identify victims of labor exploitation. Between January and November, it undertook 56,390 inspections, including the monitoring of industries identified as having a high incidence of child labor (agriculture, coal mines, and construction work). These operations identified 1,836 underage agricultural workers, removed workers under age 14, and penalized employers with fines. According to the STPS, training for labor inspectors included a program focused on enforcement of labor laws in the agricultural sector, but there was no program for labor inspections in the informal sector.

In practice workers often could not remove themselves from hazardous situations without jeopardizing their employment. According to labor rights NGOs, employers in all sectors sometimes used the illegal "hours bank" approach—requiring long hours when the workload is heavy and cutting hours when it is light—to avoid compensating workers for overtime. In addition many companies evaded taxes and social security payments by employing workers informally. The Organization for Economic Cooperation and Development estimated that 43 percent of the workforce was engaged in the informal economy.

Environmental groups criticized the hazardous working conditions in mines, including exposure to methane gas and mercury poisoning. For instance, 14 workers were killed in a methane explosion on May 3, and on August 26, four workers were killed while working in a coal mine in Coahuila. The union blamed the incidents on a lack of sufficient safety controls.

NICARAGUA

EXECUTIVE SUMMARY

Nicaragua is a multiparty constitutional republic by law, but in recent years political power has been concentrated in a single party, with an increasingly authoritarian executive exercising significant control over the legislative, judicial, and electoral branches. On November 6, the Supreme Electoral Council (CSE) announced that Daniel Ortega Saavedra of the Sandinista National Liberation Front (FSLN) had been reelected as president in elections that international and domestic observers characterized as seriously flawed. International and domestic organizations also raised concerns regarding the constitutional legitimacy of Ortega's reelection. Security forces generally reported to civilian authorities, but in several instances elements of the security forces acted independently of government control.

The principal human rights abuses during the year were restrictions on citizens' right to vote, violence against women, and police abuse of suspects during arrest and detention.

Additional significant human rights abuses included occasional unlawful killings by security forces; harsh and overcrowded prison conditions; arbitrary and lengthy pretrial detention; widespread corruption and politicization of the membership and actions of the CSE, the Supreme Court of Justice (CSJ), and other government organs, as well as a lack of respect for the rule of law by these bodies; withholding of accreditation from election-monitoring nongovernmental organizations (NGOs); and erosion of freedom of speech and press, including government intimidation and harassment of journalists and independent media. There were also reports of corrupt practices; government harassment and intimidation of NGOs; trafficking in persons; discrimination against ethnic minorities and indigenous persons and communities; societal discrimination against and abuse of lesbian, gay, bisexual, and transgender (LGBT) individuals; discrimination against persons with HIV/AIDS; and violations of trade union rights.

The government occasionally took steps to prosecute officials who committed abuses, whether in the security services or elsewhere in government. However, impunity was a widespread 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 committed arbitrary or unlawful killings. However, security forces report-

edly killed nine persons during the year. Human rights organizations and independent media alleged that four of these killings were politically motivated.

On February 14, in the department of Jinotega, unidentified gunmen killed former contra leader Jose Gabriel Garmendia who in 2010 publicly announced he had taken up arms against the government. Human rights organizations attributed the killing to the Nicaraguan National Police (NNP) or National Army Intelligence Forces. However, both entities denied involvement. NGOs claimed that the NNP did not carry out a proper investigation to determine responsibility for Garmendia's death and alleged that the killing was politically motivated. There were no additional developments by year's end.

On November 8, NNP officers killed three opposition supporters in El Carrizo. Police officer Mauricio Jose Diaz Jimenez, along with volunteer police officers Martin Ramirez Izaguirre and Pablo Alvarado Espinoza, local FSLN political secretary Jesus Herrera, and local Municipal Electoral Council member Eusedio Cruz Montenegro, were allegedly intoxicated when they entered the home of opposition member Jose Mercedes Perez Cruz Torrez, whom they killed. The group also killed two of Torrez's sons, Elmer Torres Cruz and Josue Zael Perez Torres, and wounded two others during the incident. Diaz, Izaguirre, Alvarado, Herrera, and Montenegro were each charged with homicide in the Criminal District Court of Madriz. The Nicaraguan Center of Human Rights (CENIDH) argued that the charges should have included assassination and torture. On November 11, the CENIDH sent the Inter-American Commission on Human Rights a request for precautionary measures to protect the family members of the deceased. At year's end the request was pending.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law prohibits such practices, there were reports that police frequently abused suspects during arrest, used excessive force, or engaged in degrading treatment. Between January and September, the NGO Permanent Commission on Human Rights (CPDH) and CENIDH received seven and five high-profile complaints, respectively, against the NNP for excessive force, arbitrary detention, and cruel or degrading treatment at prisons.

On September 23, police in Esteli arrested Faustino Alonzo Torres, Timoteo Patron, and Alexander Torres for painting political opposition graffiti in public spaces. The three individuals claimed that they were detained by police for 34 hours, during which time they were mocked by police, had water thrown on them for hours, endured sleep deprivation and isolation, and were denied contact with family members. All claimed that upon release NNP officers apologized and stated that the arrest had been a mistake. Police later stated that the men were not subjected to water exposure but did not comment on the other alleged actions. Both the CENIDH and CPDH demanded an investigation. At year's end there were no developments or reports of an investigation by the NNP.

On November 28, the daily newspaper La Prensa reported that Leonel Santana Zambrana was arbitrarily arrested, severely tortured, and forced to give false testimony implicating himself in a robbery and accusing two others in a related killing. Santana alleged that police tortured him and forced him to sign a false statement and videotape a confession. Santana claimed he did not commit any crime and did not know the individuals implicated by his statement. The NNP denied the allegations, and Santana presented his complaint to the CENIDH. There were no further developments at year's end.

Prison and Detention Center Conditions.—Minor renovations to prison facilities were reported during the year, but prison conditions continued to deteriorate due to antiquated infrastructure and increasing inmate populations. According to the Strategic Studies and Public Policy Institute (IEEPP), the country's eight prisons, designed for fewer than 5,000 inmates, held approximately 7,200 prisoners. There were approximately 3,500 inmates in La Modelo, the largest national prison facility. Inmates suffered from parasites, inadequate medical attention, frequent food shortages, contaminated water, and inadequate sanitation. Family members, churches, and charitable organizations provided some inmates with food and medical attention to mitigate harsh conditions. The national budget allowed only 10 cordobas (approximately $0.44) per prisoner per day for three meals and lacked an amount for health care. The government permitted religious observance. Poor conditions led to several prison riots throughout the year, most notably in Bluefields, Chinandega, and Granada.

Conditions in jails and temporary holding cells were also harsh. Most facilities were infested with vermin, physically deteriorated, lacking in potable water, and equipped with inadequate ventilation, electric, or sewage systems. There were no re-

ports of detainee deaths due to dangerous conditions, although many prisoners suffered mistreatment from prison officials and other inmates. The National Human Rights Institute (PDDH), the independence and effectiveness of which was sometimes questioned (see section 5), received 37 complaints related to prison conditions during the year. While this number was less than that of 2010, there were no reported significant improvements in the penitentiary system to which the decrease could be attributed.

On July 1, Pastor Escobar Duarte was shot and killed by inmate Sanchez Bustos in La Modelo National Prison. According to the CENIDH, the entry of firearms into prisons is generally very difficult without some form of consent or support from prison authorities. The NNP stated that they were investigating, but at year's end no information was available. The CENIDH reported that it was denied access to the prison to investigate.

On January 26, a district penal judge sentenced police and prisoners convicted of the July 2010 rape of a young gay prisoner in the Ometepe prison of Altagracia. Four prisoners involved were found guilty of aggravated rape. The police officers originally charged as accomplices were convicted of the lesser crime of cover-up, given reduced sentences, and freed from prison.

Pretrial detainees often shared cells with convicted prisoners. Juvenile prisoners also shared cells with adults due to overcrowding. An October PDDH study of eight departmental penitentiary facilities reported that approximately 74 percent of incarcerated adolescents who were surveyed claimed to share cells with adult prisoners. On May 18, a male minor being held in a temporary detention center in Bluefields was raped by another detainee.

The CENIDH reported that suspects were regularly left in police holding cells during their trials due to police negligence or a lack of government funds to transport them to court. The government did not take any steps to improve recordkeeping during the year. In May the press reported that preventive holding cells in Granada held 147 prisoners, despite a capacity of only 80. This problem was particularly serious in the North Atlantic Autonomous Region (RAAN) and the South Atlantic Autonomous Region (RAAS), where the NNP estimated in 2010 that 93 percent of the inmates in preventive holding cells should be in the National Penitentiary System. In March the press reported that preventive holding cells in the RAAS capital of Bluefields held 120 prisoners but had a capacity of only 60. In 2010 the NNP stated that the RAAN and the RAAS prison facilities had a capacity for 1 percent of the country's total incarcerated population but held up to 11 percent.

Conditions for female inmates were generally better than those for men but were nevertheless overcrowded and unhygienic. It was reported that the National Women's Prison held approximately 180 women.

In certain instances the government restricted prisoners' access to visitors, attorneys, physicians, and human rights officials. The government frequently denied prison visits by local and international human rights groups as well as the media. During the year authorities denied the CENIDH access to facilities in Esteli and La Modelo when the organization attempted to investigate reports of hazardous conditions. Due to their lack of access, NGOs generally received complaints through family members of inmates and often were unable to follow up on cases until after the release of the prisoner.

The government allowed foreign consular officials to meet with their imprisoned nationals. However, the NNP often failed to notify foreign consular representatives of arrests. Instead virtually all notifications came through friends or family members of the arrestees.

Prisoners and detainees were permitted to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. However, complaints were often ignored or not processed. The government ombudsman could serve on behalf of prisoners and detainees to consider such matters as alternatives to incarceration for nonviolent offenders, although this generally did not occur in practice.

The extent to which the government monitored and investigated prison conditions was unknown, but the government included funds in its budget to improve prison and detention facilities. During the year the government renovated prison facilities in Leon and approved a project and granted land for construction of new prison facilities in Bluefields.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention. However, the government and its agents did not always comply with warrant requirements in searches, seizures, and arrests. The CPDH reported a 40 percent increase during the year in complaints of arrests and searches by police without proper warrants.

On September 23, police reportedly arbitrarily arrested, detained, and then tortured four persons, three in Esteli (see section 1.c.) and one in Managua.

On October 16, police in Ocotal allegedly arrested without a court order five members of the political opposition group Youth Resistance for National Dignity (REJUDIN). One member, Jairo Contreras, claimed police took him to Managua, detained him for several hours, and attempted to obtain information from him on REJUDIN's political activities before releasing him without charges.

Role of the Police and Security Apparatus.—The president is commander in chief of the NNP, which is administered by the Ministry of Governance. The NNP forms a single force responsible both in law and in practice for enforcing the law throughout the country and maintaining internal security. The army is responsible for external security but also has some domestic responsibilities, including combating drug trafficking and the transportation of election-related materials, including ballots. In December, amid civil unrest following the November elections, the army began sending troops to the RAAN but claimed this was part of a previously planned deployment. Civilian authorities generally maintained effective control over the NNP and the army and had mechanisms in place to investigate and punish abuse and corruption. However, these mechanisms were rarely used in practice, and there were numerous reports of impunity involving security forces.

The NNP Office of Internal Affairs, and to a lesser extent the Office of the Inspector General, are responsible for investigating police abuses; however, the slow pace of the justice system contributed to a public perception of police impunity. During the year the Office of Internal Affairs registered 1,826 complaints, investigated 1,740 cases of alleged abuse of authority or breach of duty, and dismissed 173 officers for police misconduct. In 2010, of the complaints filed against police, approximately 73 percent pertained to human rights violations, 14 percent to corrupt acts, and 13 percent to minor offenses or infractions. The PDDH reported that the largest number of complaints for alleged human rights violations received during the year (1,291, or 66 percent of the total) was related to the NNP and that the NNP had the highest rate of compliance with PDDH resolutions (61 percent). The government generally did not take action on complaints against security forces.

NNP trainees must receive human rights instruction to graduate from the police academy and must be annually recertified in human rights awareness. In 2010 the police academy conducted human rights trainings for 3,219 officers and trainees, of whom 641 received continuous or follow-up training. This training reportedly continued during the year. The PDDH reported conducting 31 training sessions on human rights with the NNP and eight sessions with the army.

The constitution establishes the NNP as an apolitical, nonpartisan institution protecting all citizens equally under the law. NGOs claimed that in practice President Ortega continued to use his position as commander in chief to politicize NNP affairs and threaten the institution's professionalism. For instance, President Ortega's extension of the term of the national chief of police, Aminta Granera, through executive decree allegedly violated term limits prescribed in law. NGOs and the press also alleged that the NNP provided preferential treatment for progovernment and FSLN rallies (see section 2.b.).

Arrest Procedures and Treatment While in Detention.—Individuals are apprehended openly. The law requires police to obtain a warrant from a judicial authority prior to detaining a suspect and to notify family members of the detainee's whereabouts within 24 hours. The law mandates that a prosecutor accompany police making an arrest. However, the CPDH claimed irregularities in arrest procedures (see section 1.d.). Detainees have the right to an attorney immediately following their arrest. The state provides indigent detainees with a public defender. In most instances detainees were informed of charges against them. However, there were sometimes delays. Police may hold a suspect legally for 48 hours before arraignment, when they must bring the person before a judge. A judge then must order the suspect released or transferred to jail for pretrial detention. In practice few prisoners were held beyond the 48-hour deadline. After the initial 48 hours, the suspect has access to bail, family members, and legal representation.

Arbitrary Arrest.—Arbitrary arrest continued to be a problem. On March 2, police arrested four persons in Ocotal for hanging signs protesting President Ortega's reelection campaign. Police released the individuals several hours later without explanation or formal charges.

On April 16, police detained and threatened opposition party members David Campos, Byron Rivas, and Marvin Parrales as they entered a radio station to speak about opposition protests against President Ortega's reelection. After leaving the station, the three were briefly detained again and questioned by police but not formally charged.

Pretrial Detention.—Lengthy pretrial detention continued to be a problem. In the RAAN and the RAAS, detainees often waited an average of six months for their cases to be presented to a judge. Observers attributed delays to limited facilities, an overburdened judicial system, and high crime rates. No information was available on the percentage of the prison population in pretrial detention or the average length of time held.

Amnesty.—During the year the National Assembly received 59 pardon requests and granted four.

e. Denial of Fair Public Trial.—Although the law provides for an independent judiciary, the judicial system remained susceptible to corruption and did not function independently (see section 4). The law requires CSJ vetting of new judicial appointments, a process often based on nepotism, influence, or political affiliation. Once appointed, many judges were subject to political and economic pressures that affected their independence. NGOs complained of a delay of justice caused by judicial inaction and widespread impunity, especially regarding family and domestic violence and sexual abuse. During the year the PDDH reported receiving 458 complaints (25 percent of the total) concerning due process of law and 88 complaints related to access to justice that involved the NNP, the judiciary, or the Ministry of the Family, Adolescents, and Children (MiFamilia).

In May Fidel Moreno, FSLN political secretary for Managua, and Daysi Torres, FSLN member and mayor of Managua, brought libel and slander charges against Luciano Garcia and Leonel Teller, opposition members and Managua city councilmen. In March Garcia had accused Moreno of misappropriating municipal funds and requested an investigation of multiple government officials, including Torres. In response Moreno and Torres brought cases against both Garcia and Teller. NGOs considered the trial a politically motivated attempt to discourage other citizens from reporting official corruption. On June 27, a judge found Garcia guilty and ordered him to pay a fine of 800,000 cordobas ($34,900) and issue a retraction of his accusation. On September 21, Teller was also found guilty and ordered to pay a fine of 376,000 cordobas ($16,400). The civil society organization Movement for Nicaragua raised the money to pay Garcia's fine, and Teller appealed his sentence. Teller's appeal trial was scheduled for January 2012.

Trial Procedures.—Trials are public, and the law provides defendants with the option of a jury trial. Defendants have the right to legal counsel, and the state provides public defenders for indigent persons. Defendants are presumed innocent until proven guilty and have the right of access to all information and evidence registered with the government, as well as the right to know why and how it was obtained, but only during the discovery and trial phases, not during the pretrial period. Defendants can confront and question witnesses and also have the right to appeal a conviction. The law extends these rights to all citizens regardless of gender, ethnicity, disability, or other status. The courts continued to use the Napoleonic legal process for cases that were initiated before December 24, 2002.

The country continued to lack an effective civil law system, with the result that private litigants often filed cases as criminal complaints to force one party to concede rather than face the prospect of detention in jail. This civil-based criminal caseload continued to divert resources from the overburdened Office of the Prosecutor.

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

Civil Judicial Procedures and Remedies.—The law provides that individuals and organizations can file lawsuits seeking damages for human rights violations before civil courts and also provides for litigants to use mediation to resolve civil claims. In practice many members of the judiciary did not render impartial judgments in civil matters and were not independent of political or other influence. Due to bureaucratic inefficiencies, litigants unable to resolve claims through mediation often had to wait months or years for courts to process their claims.

Property Restitution.—The government regularly failed to enforce court orders with respect to seizure, restitution, or compensation of private property. Illegal land seizures increased during the year, including reports of government seizure without due process or fair compensation.

In December the Municipality of Managua removed hundreds of tons of gravel from a private property and seized private land from at least one family without previous declaration of eminent domain or an offer of fair compensation. There were no developments in either case at year's end.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—While the law prohibits such actions, several domestic NGOs alleged that the government monitored their e mail and telephone conversations.

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, but the government used administrative, judicial, and financial means to limit the exercise of these rights. Although the law provides that the right to information cannot be subject to censorship, it also establishes retroactive liability, including penalties for libel and slander. There were cases of individuals being charged or threatened with libel and slander for speaking out against official corruption (see section 1.c.).

Freedom of the Press.—Independent media were active and expressed a variety of views. The government, however, sought to restrict media freedom through harassment, censorship, arbitrary application of libel laws, and use of national security justifications. Private individuals also harassed media for criticizing the government. President Ortega frequently utilized a law that allowed for government broadcasts of emergency messages to force national networks to either broadcast his speeches or temporarily cease other broadcasting during those times.

There were numerous allegations of politicized closures of opposition radio stations or the cancellation of opposition radio programs, particularly in Bluefields, Esteli, and Chinandega. Other actions included vandalism, seizure of broadcast equipment, and slander or defamation charges filed against media outlet owners or program hosts. Opposition news sources reported that they were generally not permitted to enter official government events and that if they were allowed access, they were not permitted to interview officials.

NGOs claimed that President Ortega purchased numerous television stations throughout the year, including Channel 13 and formerly state-owned Channel 6, allegedly with state funds. The president installed family members as owners of these stations and limited programming to progovernment or FSLN propaganda and reelection advertisements.

Violence and Harassment.—Both of the largest daily newspapers, La Prensa and El Nuevo Diario, claimed that government officials and supporters intimidated their journalists and that CSJ and CSE officials responded aggressively or refused to respond to questions about cases involving the constitution, rule of law, and corruption. During the year there were several reported cases of threats and/or violence against the press.

On February 19, El Nuevo Diario journalist Luis Galeano and his family received death threats over the telephone and by mail from unknown individuals. Galeano claimed the threats were due to his investigation into CSE officials' corruption, including CSE president Roberto Rivas. Galeano filed a report with the NNP. However, at year's end no action had been taken.

During August Jinotega-based journalist Silvia Gonzalez of El Nuevo Diario and her family received death threats, which observers attributed to her investigation into the killing of Jose Gabriel Garmendia (see section 1.a.), as well as to her work on corruption in the FSLN-controlled Jinotega city hall. Gonzalez identified her assailants, allegedly FSLN supporters, to the NNP, which investigated but made no arrests. Gonzalez left the country in September, claiming that her life was in danger.

On October 21, alleged FSLN supporters attacked an opposition-affiliated radio station in Rosita with homemade explosive devices. The attack left two youths seriously wounded. There were no reports of an NNP investigation by year's end.

Actions against La Prensa facilities related to a 2010 contract dispute continued during the year. Reportedly with the support of FSLN-affiliated union groups, the former service providers to La Prensa demonstrated at the newspaper's facilities five times between January and November; they also demonstrated on February 7 outside the residence of the newspaper's general manager. The management of La Prensa claimed that these demonstrations damaged the newspaper's facilities and hindered circulation of the paper. According to management, police did not intervene to protect the facilities.

Censorship or Content Restrictions.—The government continued to exclude independent media outlets from all official media events and to withhold government advertising contracts, instead funneling millions of dollars worth of advertising funds and important public announcements to official media outlets owned or controlled by the Ortega family.

Publishing Restrictions.—The government continued to enforce the controversial Law 528, or "Ley Arce," which members of the press claimed restricted the public's access to print media through the establishment of high tariffs and bureaucratic delays on the importation of ink, paper, machinery, and other printing necessities.

On February 3, shortly after El Nuevo Diario published a series of articles on corruption in the government's tax agency, customs officials blocked the importation of

printing materials for the newspaper. After significant pressure from domestic and international human rights and press freedom organizations, the government released the materials on February 8.

Internet Freedom.—There were no government restrictions on access to the Internet or Internet chat rooms; however, several NGOs alleged that the government monitored their e-mails. Individuals and groups engaged in the expression of views via the Internet, including by e-mail and through the use of social media.

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

Throughout the year human rights NGOs and civil society groups reported that students in K-12 public schools were forced to participate in progovernment rallies during school. Teachers' organizations and NGOs alleged FSLN interference in the school system through the firing of non-FSLN teachers and their replacement with party loyalists, use of school facilities as FSLN campaign headquarters, favoritism shown to members of FSLN youth groups or children of FSLN members, politicized issuance of scholarships, and use of pro-FSLN education materials. Independent press and teachers' unions reported that more than 3,000 teachers had been fired since 2006 for political reasons. These groups voiced concern over the degradation of educational freedom and quality due to political activities conducted in schools during the year.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law recognizes the right to public assembly, demonstration, and mobilization but mandates that demonstrators obtain permission for a rally or march by registering its planned size and location with the police. The CENIDH and CPDH reported that police generally protected, or otherwise gave preferential treatment to, progovernment FSLN demonstrations while disrupting or denying registration for opposition groups. In many cases on-duty police did not act to protect opposition protesters when progovernment supporters harassed or attacked them.

NGOs and media reported several incidents of police abuse against opposition rallies and civil society events. On April 2, NNP and FSLN supporters blocked a march in Managua opposing the reelection of President Ortega. Allegedly the NNP denied entry into the capital to a number of the buses carrying opposition supporters for the march and arrested and abused protesters.

Freedom of Association.—The law provides for freedom of association, including the right to organize or affiliate with political parties. However, the CSE and the National Assembly used their accreditation powers for political purposes. CSE accreditation is mandatory for political parties and election-monitoring organizations, and the CSE withheld accreditation from election-monitoring NGOs in some cases (see section 5). National Assembly accreditation is mandatory for NGOs to receive donations.

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. The government generally respected these rights in practice.

The government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) through humanitarian organizations, such as the International Organization for Migration, in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Exile.—The law prohibits forced exile. The press reported a case of self-imposed exile in August, in which a journalist fled the country due to death threats from government supporters (see section 2.a.).

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 National Commission for Refugees—composed of six voting members (three government ministries and three religious organizations) and five nonvoting members from human rights NGOs—is the only entity that may grant refugee status in the country. Asylum for political persecution may be granted only by the executive branch or the country's embassies abroad.

Durable Solutions.—According to a January UNHCR survey, the government granted refugee status to 64 persons, and 12 persons sought asylum.

Stateless Persons.—Citizenship is derived from birth within the country's territory and from one's parents. Local civil registries register births within 12 months. However, many persons, especially in rural areas, lacked birth certificates. The government continued to increase the registration of newborns through service desks in public hospitals and through "social-promoter" programs that visited rural neighborhoods.

Persons without citizenship documents were unable to obtain cedulas (national identity cards). A June survey by M&R Consultants estimated that 440,000 citizens, approximately12.5 percent of the eligible population, lacked cedulas. Persons without cedulas had difficulty participating in the legal economy, conducting bank transactions, or voting and were subject to restrictions in employment, access to courts, and land ownership. Women and children lacking cedulas were reportedly more vulnerable to sexual exploitation by traffickers.

Civil society organizations continued to express concern about the high cost and politicized distribution of cedulas, alleging that these barriers were an FSLN attempt to manipulate the 2011 election and that the CSE failed to provide cedulas to opposition members while widely distributing them to party loyalists. The politicized granting of cedulas led to several protests 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; however, the government restricted the exercise of this right in practice.

Elections and Political Participation.—Recent Elections.—On November 6, President Ortega was reelected in elections that both international and domestic observers characterized as highly irregular and nontransparent. The EU, the Organization of American States (OAS), and domestic observation missions reported significant concerns with the CSE's approval of a disproportionate amount of FSLN poll watchers and a denial of opposition party access to critical electoral stations. The OAS expressed concern over irregularities related to the accreditation of approximately 9,000 opposition poll watchers and reported that OAS observers were denied access to several voting centers.

The domestic observation group Ethics and Transparency reported that up to 150,000 votes were fraudulently altered by the CSE to ensure that the FSLN obtained an additional eight to 12 seats in the National Assembly, which would assure the party's legislative control. Voting results were not published by the CSE at the polling station level, leading observation groups to deem the results unverifiable. Violence related to the highly irregular nature of the elections left five citizens dead, including three opposition members (see section 1.a.) and two FSLN political secretaries in the RAAN.

Prior to the November elections, NGOs raised a number of concerns about the electoral process, including the politicized issuance of cedulas (see section 2.d.); preferential treatment of FSLN members at voting centers, including the enrollment of underage FSLN voters; threats against poll watchers of the observation group Institute for Development and Democracy (IPADE); a series of new, restrictive observation regulations issued by the CSE; and the CSE's denial of official accreditation to several domestic electoral observation groups.

On April 5, President Ortega issued a decree redistricting three municipalities from the RAAS to the neighboring pro-FSLN department of Chontales. Opposition parties, constitutional experts, and electoral observers labeled the decree illegal, as it lacked the mandated legislative approval, and declared it politically motivated, as it reapportioned votes to benefit the FSLN in the November election. The decree was under appeal at year's end, but it was reported that the votes of the three municipalities were included with Chontales in the election.

Political Parties.—The FSLN used state resources for political activities to enhance its electoral advantage. Press and opposition groups stated that the CSE's annulment of several opposition candidacies for the National Assembly during the year was illegal. They alleged that the CSE annulled the candidacies to give an advantage to the president's campaign and FSLN candidates.

Opposition parties, human rights groups, and international and domestic observation organizations expressed concern over a pending CSJ case on the legal status of the main opposition party, the Independent Liberal Party (PLI). They claimed that the case could illegally annul the elections of some, or all, of the PLI's elected National Assembly candidates and represented a severe affront to the electoral process. There were no further developments by year's end.

The FSLN made party membership mandatory for most public sector employees. The CPDH reported that employees in various state institutions were required to affiliate with the FSLN and that to apply for a government position, an applicant

must receive a written recommendation from the FSLN (see section 7.b.). The Democratic Federation of Public Sector Workers (FEDETRASEP) also received reports that the FSLN automatically withdrew party dues from the paychecks of state employees.

Participation of Women and Minorities.—There were 19 women in the 92-seat National Assembly, four women in the 16-member CSJ, and 11 women in 29 cabinet-level posts. Eight persons from indigenous and other ethnic groups were deputies in the National Assembly.

Section 4. Official Corruption and Government Transparency

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

In the executive branch, officials dispensed funds outside the normal budgetary process controlled by the legislature. Officials drew funds from economic and developmental assistance loaned by the Venezuela-led Bolivarian Alliance for the Peoples of Our America (ALBA) with the claim that funds were part of a joint venture between the state-owned oil companies of Venezuela and Nicaragua. Media reported that ALBA-funded contracts were awarded to companies with ties to the Ortega family and noted that the funds from Venezuela, which totaled approximately $500 million annually, served as a separate budget tightly controlled by the FSLN without public oversight.

During the year the press reported numerous corrupt practices by CSE president Roberto Rivas, including alleged involvement in fraud and embezzlement of public funds. Members of the press who investigated corruption surrounding Rivas were subject to death threats (see section 2.a.). On October 26, the Public Ministry and electoral prosecutor stated that there was not enough evidence with which to charge Rivas, and the case was archived.

Independent media, human rights groups, and opposition parties reported that President Ortega's administration blurred distinctions between the FSLN and the government through its use of FSLN-led Citizen Power Councils (CPCs). The government administered subsidized food, housing, vaccinations, and other government benefits directly through CPCs, which reportedly coerced citizens into FSLN membership and often denied services to opposition members. Persons seeking to obtain or retain public sector employment, national identity documents, or voter registration were obliged to obtain recommendation letters from CPC block captains.

The courts remained particularly susceptible to bribes, manipulation, and other forms of corruption, especially by political parties and drug cartels, and there were reports that politics influenced CSJ rulings (see section 6). There were reported cases of drug traffickers being declared innocent by corrupt judges, particularly in Granada.

On October 11, magistrates of the CSJ reelected their president and vice president, allegedly without the legally required presence of a majority of members.

In October 2010 lawmakers created the Administrative Unit of Seized, Forfeited, and Abandoned Goods under the Ministry of Finance and Public Credit, responsible for the reception, administration, auction, and donation of seized goods. However, the IEEPP reported a lack of accountability for the goods, including money and jets, seized by the unit and noted that legal gaps enabled corruption in the unit.

Public officials were subject to financial disclosure laws, and the Office of the Comptroller is responsible for combating corruption. Although the law mandates public access to government information and statistics, it was rarely applied. Generally no reason was given for denial of access. Some government agencies stated they would respond later with the information but rarely did. Government Web sites frequently did not contain financial disclosure information or it was not current. An appeal mechanism existed if authorities denied or ignored an information request, but it was slow and burdensome.

At year's end the CSJ had still not responded to CPDH information requests or to the case filed by the CPDH regarding the 2008 municipal elections.

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

A variety of domestic and international human rights groups operated in the country. Organizations dedicated to humanitarian activities generally operated without restriction. However, government officials harassed and intimidated domestic and international NGOs that were critical of the government or the FSLN. Some NGOs continued to report that intimidation by government officials created a climate of fear intended to suppress criticism. The government continued to prevent non-FSLN-affiliated NGOs and civil society groups from participating in government

social programs, such as "Programa Amor" and Zero Hunger, and frequently used FSLN-controlled CPCs to administer these programs.

The government denied accreditation to observe the 2011 national elections to the domestic observation groups IPADE and Hagamos Democracia. In previous elections these two groups had been critical of government and FSLN actions. The CSE denied accreditation to Hagamos Democracia, claiming that individuals on its executive board were paid members of the PLI, but gave no explanation for denying IPADE.

Domestic NGOs who were under investigation reported problems in access to the justice system and delays in filing petitions. Many believed that comptroller and tax authorities audited their accounts as a means of intimidation. NGOs reported difficulties in scheduling meetings with authorities and in receiving official information due to a growing culture of secrecy.

NGOs reported being met with hostility or aggression when questioning or speaking with officials on subjects such as corruption and rule of law. In June IPADE domestic observers were allegedly threatened by progovernment supporters and interrogated by police.

Government Human Rights Bodies.—The government maintained a human rights ombudsman in the PDDH. The term of the ombudsman ended in 2009. However, in April 2010 President Ortega extended the incumbent's term indefinitely, as well as the terms of 25 members of the PDDH, without constitutional authorization. The action led the CPDH and CENIDH to label the PDDH as illegitimate and increasingly politicized. The CPDH stated that PDDH employees were forced to attend FSLN campaign rallies, and the CENIDH claimed that PDDH observers in the November presidential elections were not impartial. The public generally viewed the PDDH as politicized and ineffective.

The PDDH reported receiving a total of 3,358 complaints, as well as investigating and ruling on 1,054 of those cases (and referring the remainder to other agencies). Of those investigated, the PDDH claimed to have found proof of violations in 247 cases and that public institutions complied with 315 resolutions of the total resolutions it issued. The PDDH reported conducting 195 workshops and other training on human rights to both government workers and the general population.

The National Assembly operated a human rights committee focused primarily on amnesties and pardons. Civil society organizations viewed the committee as deadlocked by partisan political forces and not credible.

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

The law prohibits discrimination on the basis of race, gender, disability, language, or social status. In practice the government often did not enforce these legal prohibitions, and aggrieved persons filed few discrimination suits or formal complaints.

Women.—Rape and Domestic Violence.—The law criminalizes all forms of rape, regardless of the relationship between the victim and the accused. However, the government failed to enforce the law effectively, leading to widespread impunity and increased violence. Sentences for those convicted of rape were a minimum of eight years and a maximum of 12 years, or 15 in cases of aggravated rape. Many women were reluctant to report abuse due to social stigma, fear of retribution, impunity for perpetrators, and loss of economic security. During the year the NNP reported a general increase in sexual crimes against women, including 1,105 cases of rape and aggravated rape, 790 cases of rape of a minor, and 918 cases of sexual abuse. There were no statistics available on prosecutions, convictions, or punishment.

The law requires female victims of sexual crimes to undergo a medical examination by CSJ forensic specialists before proceeding legally against alleged perpetrators. However, the lack of female forensic doctors often deterred women from doing so. Rape victims were often unaware or uninformed about the procedures required to process their cases officially, meaning that often they did not receive the necessary examinations in sufficient time.

The law criminalizes domestic violence and provides prison sentences ranging from one to 12 years. The law also provides for the issuance of restraining orders. NGOs asserted that victims of violence did not have reasonable access to justice. In October the Women's Autonomous Movement reported that only an estimated 15 percent of cases went to court, while the majority were resolved through mediation, which was often ineffective and led to patterns of abuse and impunity.

Violence against women remained high during the year, according to domestic and international NGO reports. The Women's Network Against Violence (RMCV) reported that over the past six years, the rate of such violence more than tripled with an increase in the severity of the crimes. The Ministry of Health (MINSA) reported that in Managua cases of violence against women tripled from 110 in 2010 to 338

in 2011. On December 1, the National Assembly approved legislation to combat violence against women and increase sentences for convictions.

During the first half of the year, the NNP reported 2,013 cases of domestic violence, compared with 2,943 reported for all of 2010.

The RMCV found that more than 72 percent of crimes against women went unpunished and that attackers and abusers with political connections enjoyed impunity.

On July 22, the CSJ reduced the sentence of convicted rapist and FSLN member Farington Reyes, who was found guilty of the rape of his coworker, Fatima Hernandez. The press, women's groups, and human rights organizations alleged that the sentence reduction was a result of Reyes' familial ties to high-ranking FSLN members and government officials. On November 22, the CSJ granted Reyes house arrest for the remainder of his sentence.

The RMCV reported that 74 women were killed during the year, many of whom were also raped, beaten, maimed, or mutilated. By year's end courts convicted only seven individuals for such killings.

Recent increases in violence against women as well as the reporting of it were attributed to a higher frequency of occurrence and, in the case of reporting, to a greater public willingness to come forward, due in part to increased public awareness campaigns by the NNP and women's rights organizations. These campaigns and activities were instrumental in raising public awareness and helping domestic abuse victims.

During the year 54 NNP women's commissariats operated in the country, 16 more than in 2010. Commissariats provided social and legal help to women, mediated spousal conflicts, investigated and helped prosecute criminal complaints, and referred victims to other governmental and nongovernmental assistance agencies. However, commissariats often lacked sufficient equipment and funding to discharge their responsibilities adequately. One government-operated shelter dedicated to female victims of violence or abuse opened during the year, and there were 10 nongovernmental women's shelters.

Sexual Harassment.—The law prohibits sexual harassment, and those convicted face between one- and three-year prison terms, or three- to five-year sentences if the victim is under 18. The NNP reported 201 cases of sexual harassment during the year.

Reproductive Rights.—MINSA's family-planning norms provide couples and individuals with the right to decide the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. Access to information on contraception and skilled attendance at delivery and in postpartum care were more available in urban areas but have improved in remote areas, such as the Atlantic coast. Seventy-four percent of births were attended by skilled personnel. Women generally received better access than men to diagnostic services and treatment for sexually transmitted infections because of NGO efforts and government campaigns dedicated to women's reproductive health. A 2011 Population Reference Bureau report indicated that 72 percent of married women ages 15 to 49 used a modern contraceptive method and that the gap between urban and rural users had decreased.

Women in some areas, such as the RAAN and the RAAS, did not have widespread access to medical care or programs, and maternal death was more likely to affect poor rural women than their urban counterparts. MINSA noted a general downward trend in maternal mortality since 2006. However, 2010 MINSA data indicated that there were approximately 67 maternal deaths per 100,000 live births, a slight increase over the 2009 rate of approximately 60. Most of the women who died in childbirth were older than 35 years or adolescents who lived in rural areas.

Discrimination.—The law provides equality for both genders, including within the family and workplace and for property ownership. The NNP Office of the Superintendent of Women is responsible for enforcing gender-specific laws. However, women often experienced discrimination in employment, credit, and pay equity for similar work, as well as in owning and managing businesses. Women earned 47 percent less than men for equal work, although the wage gap has decreased over the past three years. Women were much less likely to be senior officials or managers. In practice authorities often discriminated in property matters against poor women who lacked birth certificates or cedulas. The Office of the Human Rights Ombudsman's Special Prosecutor for Women and the Nicaraguan Women's Institute, the government entities responsible for protecting women's rights, had limited effectiveness.

Children.—Birth Registration.—Citizenship is derived by birth within the country's territory and from one's parents. MiFamilia, the Civil Registry and, to a lesser

extent, the CSE are the agencies responsible for registering births (see section 2.d.) but did not make data available.

Child Abuse.—The NNP reported that during the first half of the year authorities received 1,932 complaints of sex crimes against adolescent girls and processed 516. At year's end the NNP reported that approximately 42 percent of total rape cases involved minors.

Local leaders in Monkey Point in the RAAS alleged that military personnel stationed there regularly sexually harassed local girls, provided them with alcohol, and raped 13 girls between the ages of nine and 16. Military officials denied the claims and charged a local leader of Monkey Point with libel and slander. At year's end there was no reported investigation into the allegations against the military personnel, and the libel and slander charges were pending.

Programa Amor, the government child-welfare program launched in 2007, was designed to end child labor and homelessness, but numerous NGOs stated that the lack of public information on the program and the difficulties in conducting a census of homeless and working children made it difficult to assess the program's effectiveness.

Child Marriage.—While child marriage was uncommon, it existed in some rural areas. There were no reported government efforts to combat it. With parental authorization, the minimum legal age for marriage is 14 for girls and 15 for boys; without such authorization it is 18 and 21, respectively.

Sexual Exploitation of Children.—The law prohibits adults from promoting or participating in child prostitution, but it remained a problem. Several NGOs reported that sexual exploitation of young girls was common, as was the prevalence of older men (including foreigners) who exploited young girls under the guise of providing them support. Penalties include four to 10 years in prison for a person who entices or forces a child under age 12 to engage in sexual activity, and one to five years in prison for the same acts involving persons between the ages of 12 and 18. The law defines statutory rape as sexual relations with children who are 13 or younger, and there is no law prohibiting prostitution by juveniles 14 years of age or older. The NNP reported 500 cases of statutory rape and aggravated statutory rape during the year. A June study by the CSJ Institute for Forensic Medicine found that in cases of rape of a minor, persons known to the victim committed 88 percent of the rapes.

The law also prohibits promoting, filming, or selling child pornography, and the government generally enforced this law. The penalty for an individual convicted of inducing, facilitating, promoting, or using a minor younger than 16 for sexual or erotic purposes, or forcing such a person to watch or participate in such an act is five to seven years in prison. If the victim is older than 16 but under 18, the penalty is reduced to four to six years in prison.

The country was a destination for child sex tourism. There were anecdotal reports of child sex tourism in the Granada, Rivas, and Managua Departments. However, there were no officially reported cases during the year. The law imposes a penalty of five to seven years in prison for convicted child sex-tourism offenders.

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

Anti-Semitism.—The Jewish community numbered fewer than 50. 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, but in practice such discrimination was widespread in employment, education, access to health care, and the provision of state services. Laws related to persons with disabilities did not stipulate penalties for noncompliant companies, although penalties may be issued under the general labor inspection code. MiFamilia, the Ministry of Labor (MITRAB), and the PDDH are among government agencies responsible for the protection and advancement of rights for persons with disabilities. The government did not effectively enforce the law with regard to the protection of such individuals; did not mandate accessibility to buildings, information, and communications for them; and did not make information available on efforts to improve respect for their rights. Independent media reported that fewer than 1 percent of public sector employees were persons with disabilities, although that percentage is mandated by law, and that public institutions lacked coordination with the MITRAB regarding rights for persons with disabilities.

Persons with disabilities continued to have problems accessing schools, public health facilities, and other public institutions. Complaints continued regarding the lack of a handicap-accessible public transportation system in Managua. The government launched a fleet of 110 new buses during the year, some of which were handicap-accessible. However, in October La Prensa reported that only one of the handicap-accessible buses was operating and that bus stop facilities were not handicap-accessible.

Government clinics and hospitals provided care for veterans and other persons with disabilities, but the quality of care was generally poor.

The 2011 World Health Organization World Report on Disability estimated that only 0.40 percent of persons with disabilities attended compulsory elementary education. In 2010 MINSA reported that only one out of five students with disabilities finished primary school.

*National/Racial/Ethnic Minorities.*Various indigenous and other ethnic groups from the RAAN and RAAS attributed the lack of government resources devoted to the Atlantic coast to discriminatory attitudes toward the ethnic, racial, and religious minorities in those regions. While the racial makeup of the RAAN and RAAS historically has been black and Amerindian, increasing migration from the interior and Pacific Coast of the country made these groups a minority in many areas.

Exclusionary treatment based on race, skin color, and ethnicity was common, especially in higher-income urban areas. Darker-skinned persons of African descent from the RAAN and RAAS, along with others assumed to be from those areas, experienced discrimination, such as extra security measures and illegal searches by police.

Information on government efforts to address discrimination based on skin color, race, or ethnicity was not available.

Indigenous People.—Indigenous persons constituted approximately 5 percent of the country's population and lived primarily in the RAAN and RAAS. They were not always participants in decisions affecting their lands, cultures, and traditions, or the exploitation of energy, minerals, timber, and other natural resources on their lands. Individuals from five major indigenous groups—the Miskito, Sumo/Mayangna, Garifuna (of Afro-Amerindian origin), Creole, and Rama—alleged government discrimination through underrepresentation in the legislative branch.

Indigenous persons from rural areas often lacked birth certificates, cedulas, and land titles. Although they formed political groups, these often held little sway and were ignored or used by major national parties to advance their own agendas. Most indigenous persons in rural areas lacked access to public services, and deteriorating roads made medicine and health care almost unobtainable for many. The rates of unemployment, illiteracy, and absenteeism of school-age children were among the highest in the country. Some indigenous groups continued to lack educational materials in their native languages and relied on Spanish-language texts provided by the national government. At year's end there was no new information available on government action to meet the 2008 request by the U.N. Committee on the Elimination of Racial Discrimination to develop a national strategy to combat racism and forge a new relationship with indigenous and ethnic minority communities.

NGOs and indigenous rights groups claimed that the government failed to protect the civil and political rights of indigenous communities. Indigenous women faced multiple levels of discrimination based on their ethnicity, gender, and lower economic status. The National Commission of Demarcation and Titling, Attorney General's Office, and Nicaraguan Institute of Territorial Studies generally failed to effectively demarcate indigenous lands, and the CENIDH denounced an atmosphere of impunity and corruption in the territorial demarcation process.

On July 25, RAAS community leader Rodney Downs Francisco was killed two days after stating his intent on a local radio station to file a land claim in the Awaltara Territory. The press alleged that local politicians who desired control of the same lands arranged to have Downs killed. Four suspects were arrested, and the case remained pending at year's end.

On September 21, Ronald Davis Martinez was killed after filing a complaint against an allegedly illegitimate communal government in the Awaltara Territory. Independent press and RAAS indigenous leaders alleged that the killing was ordered by local politicians with economic interests in the territory. By year's end no arrests had been made.

Some indigenous communities in the RAAN and the RAAS continued to complain that authorities excluded them from meaningful participation in decisions affecting their lands and natural resources. Representatives of autonomous regions and indigenous communities regularly noted that the government failed to invest in infrastructure. Throughout the year indigenous leaders alleged that logging concessions

were granted to private firms and government-affiliated businesses, such as ALBA-Forestal, by the regional and national governments in violation of national autonomy laws in the RAAS and RAAN.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Although sexual orientation is not mentioned specifically, the law states that all persons are equal before the law and provides for the right to equal protection. LGBT persons continued to face widespread societal discrimination and abuse, particularly in employment, housing, and education. While the special prosecutor for sexual diversity was active throughout the year in education, information collection, and collaboration with NGO efforts, the LGBT community generally believed that the office had insufficient resources. In May the press reported that a young woman was killed in Jinotega, allegedly because of her sexual orientation.

In 2010, 1,291 complaints of discrimination based on sexual orientation were filed with the NNP, Social Security Institute, MINSA, and MiFamilia.

Other Societal Violence or Discrimination.—The law provides specific protections for persons with HIV/AIDS against discrimination in employment and health services. However, persons with HIV/AIDS continued to suffer societal discrimination based on their alleged serological status. A lack of awareness and education among health-care professionals and the public persisted regarding the prevention, treatment, and transmission of HIV/AIDS, leading to social stigma. However, several NGOs that worked to educate communities regarding HIV/AIDS discrimination claimed that public awareness of it increased during the year.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law provides for the right of all public and private sector workers, with the exception of those in the military and police, to form and join independent unions of their choice. The constitution recognizes the right to strike, although it places some restrictions on this right. The law provides for the right to bargain collectively and prohibits antiunion discrimination. Workers are not required to notify their employer or MITRAB of their intention to organize a union, and the law allows unions to conduct their activities without government interference.

Burdensome and lengthy labor code conciliation procedures impeded workers' ability to call strikes. In addition, if a strike continues for 30 days without resolution, MITRAB has authority to suspend the strike and submit the matter to arbitration. The International Labor Organization (ILO) continued to note that this provision limits the right to strike and called for the law to be amended.

A collective bargaining agreement cannot exceed two years and is automatically renewed if neither party requests its revision. Companies in disputes with their employees must negotiate with the employee union, if one exists. By law several unions may coexist at any one enterprise, and the law permits management to sign separate collective bargaining agreements with each union.

The law establishes fines against employers who violate labor rights by engaging in antiunion discrimination, such as interfering with the formation of unions or strikebreaking. Although employers must reinstate workers fired for union activity, MITRAB may not legally order employers to rehire fired workers, which requires a judicial order. The law allows employers to obtain permission from MITRAB to dismiss any employee, including union organizers, provided the employer agrees to pay double the usual severance pay.

With some exceptions the government generally protected the right of collective bargaining and often sought to foster resolution of labor conflicts through informal negotiations rather than formal administrative or judicial processes. Although the law establishes a labor court arbitration process, long waiting times and lengthy, complicated procedures detrimentally affected court-mediated solutions, and many labor disputes were resolved out of court. MITRAB claimed 88 percent of cases resulted in a ruling favorable to the worker. However, labor and human rights organizations continued to allege that rulings were often unfavorable to the petitioner.

There were reports that the government interfered in union activities and some employers engaged in antiunion discrimination with impunity. Most labor unions were allied with political parties. There continued to be reports of government interference in union activities in the public sector, including illegal dissolution of unions and firing of workers not associated with the ruling FSLN party. FEDETRASEP reported that since 2007 there have been 128 unions illegally disbanded by government ministries. Former ministry employees and human rights and labor organizations alleged that pro-FSLN public sector unions used intimidation and coercion to recruit new members. Union leaders asserted that employers and union leaders who

supported the Ortega administration continued to pressure workers affiliated with non-FSLN unions to resign and register with FSLN unions.

Politically motivated firings of workers continued to be a problem. According to FEDETRASEP, since 2007 more than 21,000 public sector employees were fired without just cause or due process of law. FEDETRASEP reported more than 673 million cordobas ($29.4 million) in unpaid severance benefits to the unjustly fired public sector employees. FEDETRASEP reported that the firings were carried out for political reasons, such as refusal of the worker to join the FSLN or participate in FSLN demonstrations, and alleged that a letter of recommendation was required by CPC coordinators or other party officials to obtain a public sector job.

On February 15, two members of the Trade Union Confederation (CUS) alleged that NNP officials forcibly took their CUS union cards from them and gave them union membership cards for the FSLN-affiliated National Workers Front union. The police allegedly told the two individuals that they were following orders from superiors.

MITRAB often declared strikes illegal, even when workers followed legal strike procedures. Wildcat strikes—those in which workers engaged without union authorization—were common, the most notable being among taxi drivers and other transportation workers, especially in Managua, Leon, and the RAAN. During a strike employers cannot hire replacement workers. However, unions alleged that this practice was common.

In practice employers often did not reinstate workers fired for union activity, or pay severance. Labor leaders complained that employers routinely violated collective bargaining agreements and labor laws with impunity. Labor organizations deemed that the fines for antiunion discrimination were not severe enough to prevent abuses. Many employers in the formal sector continued, with impunity, to blacklist or fire union members and delay severance payments to fired workers, especially public sector employees, or omit the payments altogether. Employers also avoided legal penalties by organizing employer-led unions that lacked independence and frequently using contract workers to replace striking employees. There were reports of party dues being automatically withdrawn from paychecks.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor. There were no reports of government enforcement of these laws. However, civil society groups reported an increase in government activities against trafficking in persons. There was one case of forced labor reported to the NNP during the year, in which an 11-year-old girl in Bluefields was allegedly forced into domestic servitude and sexually exploited. The case was being prosecuted by the Prosecutor General's Office at year's end.

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 establishes the minimum age for employment at 14 and limits the workday for any individual between ages 14 and 18 to six hours and the workweek to 30 hours. Those between 14 and 16 years must have parental approval to work or to enter into a formal labor contract. The law prohibits teenage domestic workers from sleeping in the houses of their employers. It is also illegal for minors to work in places that MITRAB considers harmful to their health or safety, such as mines, garbage dumps, and night-entertainment venues, as well as various forms of agricultural work. The law also provides for eight-year prison terms and substantial fines for persons employing children in dangerous work and permits inspectors to close those facilities.

The government did not provide adequate resources for MITRAB to enforce the law effectively, especially in the informal sector. MITRAB reported conducting 48 inspections in bars, night clubs, and massage parlors in Managua, Granada, and Masaya, as well as 18 inspections of mines in Masaya. In the first six months, MITRAB reported conducting 761 special child labor inspections, resulting in 148 children detected and removed from the workplace. MITRAB also reported that it provided education on labor rights to 1,371 children during the coffee harvest season as part of the Coffee Harvest Free of Child Labor Program (Programa Cosecha Cafetalera, Libre de Trabajo Infantil). The government continued activities to incorporate working adolescents into the formal workforce by transferring children above the legal working age from the worst forms of child labor into nondangerous jobs, specifically through targeted initiatives in the coffee sector.

A 10-year plan (2007-16) to end child labor was in place, to be carried out by the National Commission for the Progressive Eradication of Child Labor and Adolescent Worker Protection (CNEPTI). The plan requires all government programs to include child-labor prevention and eradication initiatives. However, the organizations that consititute CNEPTI last convened in 2009, and most NGOs considered it to be inef-

fective. The government continued Programa Amor, which aimed to eradicate child labor by reintegrating abandoned children into society. Information on the program's activities, funding, and effectiveness remained unavailable (see section 6, Children).

Child labor was a widespread problem. The most recent available national survey of adolescent and child labor (2005) estimated that there were approximately 239,000 working children between five and 17 years old, of whom 36 percent were younger than 14 years of age.

Most child labor occurred in the large informal sector, including on coffee plantations and subsistence farms, and in forestry and fishing. Children also worked in the production of sugarcane and crushed stone and to a lesser extent in the production of bananas and tobacco. Child labor also occurred in the production of dairy, orange, African palm, sugarcane, cattle raising, street sales, garbage-dump scavenging, and transport. According to the ILO, children engaged in the worst forms of child labor in plantation agriculture, shellfish harvesting, pumice and limestone quarrying, gold mining, industrial manufacturing, construction, commercial/retail, hospitality, and as domestic servants.

Children working in agriculture suffered from sun exposure, extreme temperatures, and dangerous pesticides and other chemicals. Children working in the fishing industry faced polluted water and dangerous ocean conditions.

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 law establishes a statutory minimum wage for 10 economic sectors. It is calculated differently for each sector, and the average was 2,918 cordobas ($127) per month. The government implemented two increases to the minimum wage during the year, 7 percent in February, and 6 percent in August. The National Institute of Development Information reported that in 2005 extreme poverty corresponded to an annual income of 3,928 cordobas ($171) and regular poverty to an annual income of 7,155 cordobas ($312).

The standard legal workweek is a maximum of 48 hours, with one day of rest. Labor law dictates an obligatory year-end bonus equivalent to one month's pay, proportional to the number of months worked. There are 10 paid national holidays per year. The law mandates premium pay for overtime and prohibits compulsory overtime. The law establishes occupational health and safety standards and mandates the creation of regional offices for the National Council of Labor Hygiene and Safety. The council is responsible for worker safety legislation and collaboration with other government agencies and civil society organizations in developing assistance programs and promoting training and prevention activities. The law provides workers with the right to remove themselves from dangerous workplace situations without jeopardizing continued employment, but many workers were unaware of this right due to the lack of government dissemination of information.

In general the minimum wage was enforced only in the formal sector and was thus applicable only to approximately one-third of the working population. MITRAB maintained a hotline for complaints of labor violations and reported receiving 3,600 calls in the first six months of the year. MITRAB is the primary enforcement agency, but the government did not allocate adequate staff or resources to enable the Office of Hygiene and Occupational Safety to enforce occupational safety and health provisions. Established penalties were generally sufficient to deter violations.

Legal limitations on hours worked were often ignored by employers who claimed that workers readily volunteered for extra hours for additional pay. A local NGO reported numerous cases of workers being denied annual bonuses mandated by law and two cases of municipalities that did not comply with collective bargaining agreements. Violations of wage and hour regulations were common and generally not investigated in the large informal sector, particularly in street sales, domestic work, and agriculture. Compulsory overtime was reported in the private security sector where guards were often required to work excessive shifts without relief.

During the first six months of the year, MITRAB reported conducting 5,801 health and safety inspections and registered 3,709 workplace accidents, including 21 registered deaths. According to data submitted to the ILO, the government reported that in 2010, 99 labor inspectors conducted 6,524 inspections and 1,909 reinspections, imposing fines in 55 cases. Health and safety standards were not widely enforced in the large informal sector, estimated to be between 60 and 70 percent of the economy. The informal sector included the bulk of workers in street sales, agriculture and ranching, transportation, domestic labor, fishing, and minor construction.

PANAMA

EXECUTIVE SUMMARY

Panama is a constitutional, multiparty democracy. In 2009 voters chose Ricardo A. Martinelli Berrocal as president in national elections that international and domestic observers considered generally free and fair. Security forces reported to civilian authorities.

The principle human rights abuses reported during the year were harsh prison conditions, judicial ineffectiveness, and discrimination against various groups and individuals, including some cases of violence.

Other human rights abuses included problems with freedom of the press, trafficking in persons, and child labor.

The government did not actively prosecute alleged cases of corruption or abuse of authority by government officials but took steps to improve the functioning of the judiciary and penitentiary systems.

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, but there were some reports that prison authorities engaged in degrading treatment and inhuman punishment. In January police neglect led to the deaths of five juvenile detainees and injury of two additional detainees during a prison fire (see Prison and Detention Center Conditions).

On September 22, Rafael Perez Castillo reportedly suffered extensive bruises to his face and body after he allegedly questioned officers at a roadblock in an aggressive manner. Police defended their agents and accused Perez Castillo of instigating the incident. A case was opened by the Public Ministry, the Ombudsman's Office, and the PNP's director of professional responsibility (DRP) (internal affairs office). The highly publicized incident prompted other citizens to come forward with new accusations of alleged police abuse. In response the PNP signed an agreement with the Ombudsman's Office to receive additional human rights training.

Prison and Detention Center Conditions.—The Ministry of Government oversees all prisons in the country through the National Directorate of the Penitentiary System (DGSP). Prison conditions remained harsh and in some cases life threatening. Problems included overcrowding, use of police stations as detention facilities, and lack of prison guards. Prisons did not have adequate ventilation or lighting. Prisoners suffered from a chronic lack of access to medical care. Most facilities faced problems with potable water, sewage, and rodents.

As of August the prison system had an official capacity of 7,342 persons and held 13,069 prisoners (12,133 male inmates and 936 female). Pretrial detainees shared cells with convicted prisoners. In all prisons the inmates complained of limited time outside cells and limited access to family visits. Small jails attached to local police stations sometimes held prisoners for days or weeks, and police officers who guarded them lacked custodial training to prevent abuses.

Prison medical care was inadequate. HIV/AIDS, tuberculosis, hepatitis B, and other communicable diseases were common among the prison population. A 60-bed clinic at La Joyita Prison remained underutilized due to the lack of guards to watch ill detainees. Lack of transportation prevented most inmates from receiving timely medical attention. Clinics within La Joya and La Joyita pavilions reopened to provide first-aid assistance but lacked the capacity to attend to more serious medical problems. No prison medical facilities were open 24 hours a day.

Female and male prisoners were held separately. Although prison conditions for women were generally better than those for men, both populations remained overcrowded, with poor medical care and lack of basic supplies for personal hygiene.

Juvenile pretrial and custodial detention centers also suffered from overcrowding and poor conditions. Inmates had inadequate education and supervision. The 303 juvenile inmates (296 male and seven female) were guarded by approximately 85 civilian guards (28 were hired during the year, and 16 were on loan from the adult penitentiary system).

In January police launched tear gas canisters into a cell at Panama City's male juvenile detention center during a prisoner protest against inhumane conditions, starting a fire. Seven boys were severely burned, five of whom died. Fourteen others were badly injured by gunshots fired during the protest prior to the fire. The police denied accusations of human rights abuses, but the Ministry of Government accused security forces of intentionally impeding fire department access to the facility and

otherwise failing to safeguard inmates' lives. The two police officers who started the fire were put on administrative leave. The Attorney General's Office filed homicide charges against 33 police officers and the center's director as well as additional charges against civilian guards involved in the incident.

On June 20, a three-day riot erupted at a different juvenile rehabilitation center. A fight between rival gangs resulted in the temporary kidnapping of guards and injuries to 15 inmates, including 12 burn victims. Five detainees escaped but were later apprehended. The facilities suffered extensive damage. By August the authorities had repaired the facility and replaced director.

The government took several steps to improve prison and detention center conditions. In February the Public Ministry reactivated its electronic bracelet program for nonviolent criminals and some pretrial inmates. Only 45 inmates participated in the program; a lack of familiarity with the program among prosecutors, judges, and inmates prevented further use of bracelets. In August the U.N. Office on Drugs and Crime (UNODC) conducted a feasibility study for bracelet use under the new accusatory judicial system to determine the feasibility of expanding the practice.

In January the government created an interagency commission to review protocols and standard operating procedures within the penitentiary system. At the beginning of 2010, Panamanian National Police (PNP) officers provided perimeter and internal security at all prisons but generally lacked training for prison duty. The commission agreed to a four-stage plan for replacing police officers with civilian prison guards for prison internal security. The PNP maintained control of perimeter security. The transfer of responsibilities began in July.

As of August there were 624 prison custodians, including 264 hired during the year. Additionally, 92 new custodians were trained and entered the system by the end of the end of the year, for a total of 716 custodians. In February the government raised guards' salaries to 500 balboas ($500) per month. By the end of August, the National Penitentiary System under the Ministry of Government had disciplined 40 custodians and fired 15 for either corruption or abuse of authority.

In February the government opened a Penitentiary Training Academy to address human rights, prisoner's rights, and penitentiary law. In August the minister of government signed an agreement to train prison directors under the auspices of UNODC at the Dominican Republic's National Penitentiary School. During the year custodians received training from the Ombudsman's Office, Ministry of Government, and PNP.

Formal panels met during the year to separate convicted criminals from inmates awaiting trial, and the process of transferring only convicted inmates to La Joya prison was underway. Officials also discussed ways to improve ambulance access to prisons in emergencies. In 2010 the Ministry of Government approved plans for the construction of four new cellblocks for 1,300 inmates, but there was no significant construction in 2011.

As of July 505 inmates were enrolled in elementary education programs, 1,005 in junior high programs, and 585 in secondary school programs. A total of 832 inmates were attending job training programs, 54 were engaged in self-study programs, and 152 were participating in work-release programs. There were no rehabilitation programs for drug-addicted inmates.

Throughout the year the DGSP faced a faulty information system that hampered communication among offices dealing with prison issues. In July the National Penitentiary System granted approval for the installation of a new software program that would provide comprehensive information on every inmate, including data on legal status, hearings, and sentencing.

Prisoners were able to submit complaints to judicial authorities without censorship and request investigation of credible allegations of inhumane conditions, but authorities did not document the results of such investigations in a publicly accessible manner. The government investigated and monitored prison and detention center conditions.

The Ombudsman's Office negotiated and petitioned on behalf of prisoners and received complaints about prison conditions. By August the ombudsman had received three complaints of physical abuse against prisoners by PNP agents.

The Ombudsman's Office conducted weekly prison visits, and the government generally did not monitor its meetings with prisoners. Prisoners at most facilities had reasonable access to visitors and were permitted religious observance. The Catholic nongovernmental organization (NGO) Justice and Peace made regular visits and reported unobstructed access by various church groups of different faiths.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. The law permits exceptions when an officer apprehends a person during the commission of a crime or when an individual interferes with an officer's actions.

Role of the Police and Security Apparatus.—The country has no regular military forces. The PNP is responsible for internal law enforcement and public order. Civilian authorities in the Ministry of Public Security maintained effective control over all police, investigative, border, air, and maritime forces in the country. The government has relatively effective mechanisms to investigate and punish abuse and corruption, but impunity presented a concern.

Law 18 includes guidelines for the use of force, including deadly force; requires that police respect human rights; and prohibits instigation or tolerance of torture, cruelty, or other inhumane or degrading behavior. According to Law 74, police accused of using excessive force may not be detained prior to trial, suspended, nor face other internal discipline until convicted. In January leaders of the construction workers union submitted a constitutional challenge against Law 74. In February a unanimous ruling by the Supreme Court declared the application of Law 74 in the specific case invalid, but at year's end Law 74 remained in effect.

Between January and October, the DRP opened 515 disciplinary proceedings against police, including 126 for abuse against civilians, 182 for inappropriate conduct, four for abuse against inmates, and four for abuse of physical force, among others. The number of cases opened fell by almost half compared with 2010. Between January and August, the Ombudsman's Office received three complaints against police for abuse of authority. Investigations in most of these cases continued through October, although authorities dismissed 83 PNP officers and placed many others on "semipermanent vacation" (a form of suspension).

Arrest Procedures and Treatment While in Detention.—Police generally apprehended persons openly and did not practice arbitrary or secret arrest and detention. Arrest warrants are issued by the Prosecutor's Office, based on evidence. The law provides for suspects to be brought promptly before a judge, but lack of prompt arraignment continued to be a problem. The law requires arresting officers to inform detainees immediately of the reasons for arrest or detention and of the right to immediate legal counsel. The law provides for bail, and a functioning bail system exists for a limited number of crimes. Detainees gained prompt access to legal counsel and family members, and the government provided indigent defendants with a lawyer.

The law prohibits police from detaining suspects for more than 48 hours without judicial authorization but permits the detention of minors for 72 hours. By law the preliminary investigation phase of detention may last up to two months, and the follow-up investigation phase can last another two to four months, depending on the number of suspects.

Pretrial Detention.—The government regularly imprisoned inmates for more than a year before a judge's pretrial hearing, and their pretrial detention sometimes exceeded the maximum sentence for the alleged crime. This was largely due to judicial inefficiency and the use of a written inquisitorial system. As of July, according to government statistics, 66 percent of prisoners were pretrial detainees. In Veraguas Province, courts initiated a system that greatly decreased case backlog in preparation for introduction of the accusatorial system.

Additionally, lack of coordination between judicial authorities, prison authorities, and the PNP over transportation of detainees to trials led to a significant increase in the number of prisoners who missed hearings that were key to resolving their legal cases. Judicial statistics showed that as of June, 53 percent of scheduled hearings had to be cancelled due to the defendant's absence. Due to inefficiencies in the legal system, hearings can take up to a year to be rescheduled. As of August only 24 PNP agents, in a force of approximately 15,000, belonged to the PNP penitentiary unit in charge of inmate transfers. The judicial system initiated the use of mobile courtrooms and video hearings to address the problem (see section 1.e.).

Amnesty.—During the year, in an attempt to alleviate prison overcrowding, the government released 922 inmates who had completed two-thirds of their sentences.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, the judicial system was susceptible to corruption and outside influence, and it faced allegations of manipulation of power by other government branches.

The Directorate of Judicial Investigation, under PNP administrative control, provides investigative services to the judicial system. At the local level, mayors appoint administrative judges (corregidores), who exercise jurisdiction over minor civil cases and the arrest and imposition of fines or jail sentences of up to one year. Outside of Panama City, this system had serious shortcomings. Defendants lacked adequate procedural safeguards. Such judges usually had no legal training or other pertinent expertise. Appeal procedures were generally nonexistent. Affluent defendants often paid fines, while poorer defendants faced incarceration.

Trial Procedures.—The law provides that all citizens charged with crimes enjoy a presumption of innocence and have rights to counsel, to refrain from incriminating themselves or close relatives, and to be tried only once for a given offense. If not under pretrial detention, the accused may be present with counsel during the investigative phase of proceedings.

On September 2, in Veraguas and Cocle provinces, the government began implementation of a new code of criminal procedure designed to transition the country from an inquisitorial to an accusatory system of justice. The government budgeted 38 million balboas ($38 million) for the four-phase implementation process, pending since 2009. It was expected to conclude in 2014. The system, which aims to expedite justice, includes three stages: prosecutorial investigation overseen by a guarantee judge whose responsibility is to ensure due process, an indictment request by the prosecutor, and oral trials with three judges.

Sixty-six hearings took place in the first 20 days under the new system. According to the judicial system, 50 percent of the cases heard involved either domestic violence or narcotics violations. According to authorities the new system reduced legal processing time by almost 50 percent compared to the inquisitorial system in effect in the rest of the country.

In January the Supreme Court of Justice ruled in favor of the reactivation of a 1999 law that created a fifth chamber within the Supreme Court. The chamber would handle only constitutional issues. The Supreme Court's January decision allows the administration to appoint three new justices. As a result the Supreme Court will be composed of 12 justices. No appointments were made during the year.

In July three Supreme Court justices from the General Affairs Court appointed three new magistrates to implement the new accusatory system in the Second Judicial District. Four other justices formally and publicly disagreed with the appointments, as the full Supreme Court did not approve them. Civil society organizations also criticized the lack of transparency in the appointments and on August 22 filed a habeas data against Chief Justice Anibal Salas to demand copies of the written agreements issued by the General Affairs Court on the appointments. After internal negotiations all justices agreed that the appointments of the three new magistrates would be valid only for one year and that future appointments would follow the procedures established by law (public advertisement of the positions with appointments made by the full Supreme Court.) In September civil society organizations filed suit against the Supreme Court for the unconstitutional appointment of these magistrates, claiming it was in violation of the constitution.

Under the inquisitive judicial system, which is in force in all but two provinces, trials are open to the public. The law provides for trial by jury if the defendant so chooses, but only if one of the charges is murder. Judges may order the presence of pretrial detainees for providing or expanding upon statements or for confronting witnesses. Trials are conducted on the basis of evidence presented by the public prosecutor. Defendants have the right to be present at trial and to consult with an attorney in a timely manner. Defendants may confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have access to relevant government-held evidence. Defendants have a right of appeal. The law extends these rights to all citizens, and the judiciary generally enforced them.

The law obliges the government to provide public defenders for the indigent, and an estimated 80 percent of inmates used them. In many cases public defenders received the case late in the investigation, after the prosecutor had evaluated most of the evidence and decided to recommend trial. During the year the government hired 29 new public defenders to help reduce the system's backlog, but caseloads remained very high, averaging 300-350 cases per attorney per year.

On August 1, the judiciary began a mobile court program within the country's largest prison complex. Trailers placed in La Joya and La Joyita served as official courts to overcome problems in transporting prisoners to trial. The placement of judges, prosecutors, and legal staff within the complex increased the capacity of each court to five hearings per day. As an additional measure to decongest the system, the judiciary accepted hearings via video for charges other than homicide. By June judicial records indicated that 547 pretrial detainees submitted video hearings from La Joya, La Joyita, David, Penonome, Llano Marin, Aguadulce, and Santiago prisons. In July the judicial system spent 208,000 balboas ($208,000) to expand the program with the installment of video capacity to 10 new facilities.

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

Civil Judicial Procedures and Remedies.—The constitution and the judicial code establish an independent judiciary in civil matters. Alleged political manipulation

of the judicial system remained a problem, and bureaucratic delay hindered access to judicial and administrative remedies in some court cases. Problems continued in enforcement of domestic court orders.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the government generally respected these prohibitions. Nevertheless, there were complaints that in some cases law-enforcement authorities failed to follow legal requirements and conducted unauthorized searches. The Public Ministry maintained representatives in each PNP division to approve searches, and they approved numerous searches during the year.

The law also sets forth requirements for conducting wiretap surveillance. It denies prosecutors authority to order wiretaps on their own and requires judicial oversight. During the year several citizens claimed to have been wiretapping targets after making statements critical of the government.

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, but the government used a variety of means to impede the media's freedom of expression and attempt to silence criticism of its official actions.

Freedom of the Press.—Legal actions brought by officials of the former government remained pending against many journalists. The Inter-American Commission on Human Rights (IACHR), Inter American Press Association (IAPA), the NGO Reporters Without Borders, and other groups criticized government efforts to censor the press. In January the president supported a bill introduced by his party in the National Assembly to penalize speech that criticized the president and his administration. The bill was withdrawn after debate.

Violence and Harassment.—In mid-June the NGO Colegio Nacional de Periodistas alerted the public to verbally aggressive language against La Prensa journalist Santiago Cumbrera by Labor Minister Alma Cortes and the secretary general of the Ministry of Labor, Hernan Garcia. Cumbrera was part of an investigative unit that revealed and published irregularities in the governmental program Mi Primer Empleo (My First Job). The IACHR requested preventive measures to guarantee Cumbrera's personal safety. The day after the statement was made, Minister Cortes issued a public apology. In August La Prensa reported additional threats against its investigative unit, specifically towards Cumbrera, based on his investigation of the National Land Authority. Cumbrera was also the target of anonymous telephone threats for his reporting on a government scandal involving the improper titling of public lands. The caller, allegedly a poor rural landholder, threatened to take action against Cumbrera if he did not stop his reporting. The government agreed to open an investigation into the threats, but at year's end no legal actions had been taken on the threats.

In late February the government deported foreign national journalists Paco Gomez Nadal and Pilar Chato under complaints of disturbing the peace and inciting protesters. In July 2010 authorities briefly detained Gomez Nadal, known for investigative reporting on corruption issues. According to media reports, Gomez Nadal and Chato had the option of leaving the country immediately or remaining and facing potential legal action from law enforcement authorities. They chose deportation and lost authorization to reenter Panama for at least two years.

Internet Freedom.—There were no government restrictions on access to the Internet, but there were anecdotal reports that the government monitored private e-mails. In a few cases, law-enforcement monitoring of suspects' computers led to arrests for sex crimes. Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

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

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the government generally respected these rights in practice. The law also states that anyone who, through use of violence, impedes the transit of vehicles on public roads or causes damage to public or private property may be sentenced to imprisonment for six to 24 months.

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 (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, persons under temporary humanitarian protection (THP), asylum seekers, stateless persons, and other persons of concern.

In-Country Movement.—The government generally permitted freedom of movement for documented refugees and asylum seekers; however, it restricted the freedom of movement of Colombian citizens living in the region bordering Colombia under the THP regime. These individuals could leave those locations only with special temporary permits issued by the National Office for the Protection of Refugees (ONPAR).

Protection of Refugees.—ONPAR has five offices to provide access to refugee services.

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 Colombian THP group has lived in the Darien region for 14 years.

There were approximately 2,500 refugees and asylum seekers in the country at the end of 2010. As of June, 340 persons had approached the government seeking refugee status, according to ONPAR; 99 cases were reviewed and 41 approved. The majority were from Colombia.

Nonrefoulement.—The law incorporates protections against refoulement and sanctions for illegal/irregular entry. At times, however, border officials and authorities in large urban centers did not have a clear understanding of their responsibilities when dealing with persons seeking asylum or refugee status. This lack of clarity resulted in arbitrary detention and placed asylum seekers at an increased risk of return to countries where their lives or freedom could be threatened.

On September 12, the Panamanian National Border Service (SENAFRONT) detained and forcibly deported a family of asylum seekers from Colombia upon their arrival in Jaque, Darien. The UNHCR indicated that interventions to prevent the refoulement were unsuccessful and that the family had no access to asylum authorities. The UNHCR lodged an official protest with the government.

Refugee Abuse.—Refugee women in border areas and in certain urban neighborhoods continued to be at risk for gender-based violence and trafficking.

The government reported a decrease in migration of people from outside the region, from 45 in 2010 to 32 in 2011. The persons were primarily from South Asia and East Africa, en route to North America. As of August the National Migration Service had detained 25 of these persons for nine months in a men's immigration shelter. ONPAR indicated that language barriers slowed the review of the cases, but the UNHCR expressed concern that the migrants were denied access to asylum procedures because of discrimination due to their countries of origin.

Employment.—The government did not permit displaced Colombians without asylum status to work or move outside of their assigned villages. Unlike in 2010, the government did not issue temporary identification cards during the year.

Temporary Protection.—The UNHCR classified approximately 15,000 individuals living in the country as "persons of concern" in need of international protection. These included persons for whom the government had denied refugee status and persons in the country who did not apply for refugee status due to lack of knowledge or fear of deportation. The UNHCR maintained a permanent office in the country to provide services to refugees but was denied access to asylum seekers in detention in the first half of the year. Access improved after the appointment of a new director of migration in July.

People under the THP classification included 899 displaced persons, mainly of Afro-Colombian heritage, and 685 of their dependents, some of whom were citizens born in Panama of marriages between displaced Colombians and Panamanian citizens. Seventy individuals were from the Embera indigenous group. The UNHCR continued to call for the granting of permanent residency rights to this group.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage. The law provides for direct popular election every five years of the president, vice president, legislators, and local representatives. Naturalized citizens may not hold specified categories of elective office.

Elections and Political Participation.—Recent Elections.—In May 2009 voters chose Ricardo A. Martinelli Berrocal, the opposition Alliance for Change candidate,

as president in national elections considered generally free and fair by independent observers.

Political Parties.—The law requires new political parties to meet strict membership and organizational standards to gain official recognition and participate in national campaigns.

Participation of Women and Minorities.—Women held six seats in the 71-member legislature and five places in the 17-member cabinet. Five seats in the legislature were designated to represent the country's recognized indigenous regions. In general deputies in the legislature, cabinet members, or members of the Supreme Court did not identify themselves as members of ethnic or racial minorities.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively; however, there were some allegations that government officials engaged in corrupt practices with impunity. Corruption remained a problem in the executive, judicial, and legislative branches as well as in the security forces. Anticorruption mechanisms such as asset forfeiture, whistle blower and witness protection, plea bargaining, and professional conflict-of-interest rules existed.

Although the law provides for judicial appointments through a merit-based system, civil society groups maintained that political influence and undue interference by higher-level judges undermined the system.

Corruption among police officers continued to be a problem, although the Ministry of Public Security improved accountability within the security services. The PNP worked with the ministry to reform the DRP to create a more transparent method for handling traditional internal affairs problems for all security services.

In September the 13th Criminal Court sentenced four police agents and two Colombians involved in the 2008 kidnapping of Cecilio Padron to nine and 12 years in prison, respectively. The court found a fifth Panamanian originally listed in the case not guilty. In the same month an undercover operation led by the Judicial Investigative Unit (DIJ) resulted in the apprehension of the Ministry of Labor's regional director and his assistant for receiving bribes from a foreign businessman who hired workers without work permits.

In 2010 authorities released former minister of education Belgis Castro on bail of 150,000 balboas ($150,000). In May the 10th Criminal Court called Castro to stand trial on embezzlement charges. Castro remained free on bail but was forbidden to leave the country while the trial continued.

Public officials were subject to financial disclosure laws, but the information was not made public.

The law provides for public access to information about public entities, with the exception of cabinet meeting minutes. The government often, but not always, responded to inquiries for information. Denials of information can be appealed to the Supreme Court, and journalists generally made use of this recourse. On October 28, the environmental NGO Centro de Incidencia Ambiental appeared before a hearing at the Organization of American States' Inter-American Human Rights Commission to denounce the government's continued denial of public information.

The government made a commitment to publishing public information on official Web sites. However, many government ministries and agencies did not update their sites, and statistics or other information were often more than one year old or unavailable. On October 5, the anticorruption czar, Abigail Benzadon, publicly stated that only six of the 103 government agencies kept their sites up to date with transparency information as mandated by law.

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

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

Government Human Rights Bodies.—The ombudsman, elected by the National Assembly, has moral but not legal authority, received government cooperation, and operated without government or party interference. The Ombudsman's Office referred cases to the proper investigating authorities.

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

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

Women.—Rape and Domestic Violence.—The law criminalizes rape, including spousal rape, with prison terms of five to 10 years, or eight to 10 years under aggravating circumstances (use of a weapon), and the government enforced the law effectively. Rapes constituted the majority of sexual crimes investigated by the PNP, and its Directorate of Judicial Investigation reported 1,030 cases of rape in the context of domestic violence during the year.

Domestic violence continued to be a serious problem. Although the law criminalizes domestic abuse and family violence with prison terms of two to four years and makes domestic violence an aggravating circumstance in homicide cases, there were few convictions for domestic violence, except in cases of murder. The Directorate of Judicial Investigation reported 186 cases of domestic violence from January to June, while the media reported 249 cases of domestic violence as of early September. Statistics from the Panamanian Observatory Against Gender-Based Violence, run by the Ombudsman's Office, showed that 33 women died as a result of domestic violence from January to November.

The government operated a shelter in Panama City for victims of domestic abuse and offered social, psychological, medical, and legal services. A second government-run shelter opened in David, Chiriqui, during the year, and construction of a third shelter in Colon, Colon, was underway.

Sexual Harassment.—The law prohibits sexual harassment in cases of established employer/employee relations in the public and private sectors and in teacher/student relations; violators face up to a three-year prison sentence. The extent of the problem was difficult to determine, as convictions for sexual harassment were rare and pre-employment sexual harassment was not actionable. The effectiveness of law enforcement could not be determined due to the small number of cases brought before the courts.

Reproductive Rights.—Couples and individuals have the right to decide the number, spacing, and timing of their children and 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, except in provincial-level indigenous regions, where it was limited, according to the American Red Cross. The law limits sterilization to women who are 33 or older, have at least five children, and are of a low socioeconomic level (undefined).

Discrimination.—The law prohibits discrimination on the basis of gender, and women enjoyed the same rights as men under family, property, and criminal law. The law recognizes joint and common property in marriages. The law mandates equal pay for men and women in equivalent jobs, but according to a 2011 World Economic Forum survey, women received approximately 36 percent less than men for comparable work. The Ministry of Social Development (MIDES) and the National Institute of Women promoted equality of women in the workplace and equal pay for equal work, attempted to reduce sexual harassment, and advocated legal reforms.

Children.—Birth registration: Although the law provides citizenship for all people born in the country, children in remote areas sometimes had difficulty obtaining birth registration certificates.

Child Abuse.—MIDES maintained a free hotline for children and adults to report child abuse and advertised it widely. From January to September, the hotline received 17,726 calls. The ministry provided funding to children's shelters operated by NGOs in seven provinces and continued a program that used pamphlets in schools to sensitize teachers, children, and parents about mistreatment and sexual abuse of children.

Sexual Exploitation of Children.—Sexual abuse of children was reported in urban and rural areas as well as within indigenous communities. Lack of reporting on sexual exploitation of minors remained a problem, often because of parental involvement or complicity.

The law prohibits consensual sex with children ages 14 to 18 and imposes a penalty of up to three years' imprisonment for the crime. If the child is younger than 14, the act is punishable with four to 10 years' imprisonment. The law provides for three- to five-year prison terms for anyone who practices, facilitates, or promotes the corruption of a minor, and it criminalizes child pornography with the same penalty. The penal code also punishes individuals for selling or negotiating the purchase of sexual favors from prostitutes with penalties of up to 10 years' imprisonment when the victim is under 18. Sexual tourism involving children is also punishable.

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

Anti-Semitism.—There was a Jewish population of approximately 10,000 persons. 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 based on physical or mental disability, but the constitution permits the denial of naturalization to persons with mental or physical disabilities. The law mandates access to new or remodeled public buildings for persons with disabilities and requires that schools integrate children with special needs. In practice persons with disabilities experienced substantial discrimination in access to employment, education, health care, and other state services. Some public schools admitted children with mental and physical disabilities, but most did not have adequate facilities for children with special needs. The government installed ramps in some schools and mainstreamed some children with disabilities. Few private schools admitted children with special needs.

In June a group of persons with disabilities challenged Law 35 before the Supreme Court on grounds of discrimination and the protection of private information. The law, passed in August 2010, mandates that the National Electoral Tribunal include a person's disabilities as well as blood type and allergies on their national identification card in case of emergency. The law also requires the National Transportation Authority to include the same information on a state-issued drivers' license. By year's end there was no ruling from the court.

The National Secretariat for the Social Integration of Persons with Disabilities (SENADIS) is the government agency responsible for protecting the rights of persons with disabilities. The Ministry of Education and MIDES share responsibilities for educating and training minors with disabilities. SENADIS also distributes subsidies to NGOs dealing with disabilities issues.

The law stipulates a 2 percent quota for persons with disabilities within the workforce. The Ministry of Labor and Labor Development (MITRADEL) is responsible for referring workers with disabilities to employers for suitable jobs; however, in practice successful hiring by private sector employers remained difficult. From January to September, the Ombudsman's Office received 12 complaints of government violations involving the labor rights of persons with disabilities.

The government inaugurated with international funding four playgrounds accessible to persons with disabilities. In April the government decreed April Autism Month. The decree mandates interagency coordination for the development of educational and service programs for people with autism. In July the government signed an agreement with the Spanish NGO ONCE to provide training of blind and low-vision workers on ways to access the job market.

The government provided them with 50 balboas ($50) per month and donated rehabilitation equipment to low-income persons with disabilities. The government also provided five vehicles to state-run hospitals and physical rehabilitation centers to allow for the proper transfer of patients in wheelchairs.

In September the Ministry of Social Development launched the Guardian Angel program, which provides a subsidy of 80 balboas ($80) per month for children with severe physical disabilities. To qualify, the parents or guardian of a child must submit medical certification as to the severity of the disability and the child's dependency on another person. The family must also be living in poverty to qualify.

*National/Racial/Ethnic Minorities.*Minority groups generally have been integrated into mainstream society, but problems continued with negative attitudes among all ethnic communities toward members not belonging to their particular group. Prejudice was directed at recent immigrants; cultural and language differences and immigration status hindered integration into mainstream society by immigrant and first-generation individuals from China, India, and the Middle East. Additionally, some members of these communities were themselves reluctant to integrate into mainstream society. Members of these groups often owned major businesses or worked in the retail trade. A constitutional provision reserving retail trade for citizens of the country generally was not enforced.

The Afro-Panamanian community continued to be underrepresented in positions of political and economic power, and many black people remained clustered in economically depressed areas of Colon Province and Panama City. These areas conspicuously lacked government services and social-sector investment. Prejudice toward blacks was generally subtle, taking the form of unofficial "right-of-admission" policies at restaurants and commercial establishments that discriminated against darker-skinned individuals or those of lower social status.

The law prohibits discrimination in access to public accommodations such as restaurants, stores, and other privately owned establishments. However, cases of discrimination in public accommodation were not commonly filed.

There were reports of racial discrimination against various ethnic groups in the workplace. In general, lighter-skinned persons were represented disproportionately

in management positions and jobs that required dealing with the public, such as bank tellers and receptionists. Some businesses discriminated against citizens with darker skin through preferential hiring practices.

Indigenous People.—The law affords indigenous persons the same political and legal rights as other citizens, protects their ethnic identity and native languages, and requires the government to provide bilingual literacy programs in indigenous communities. Indigenous individuals have the legal right to take part in decisions affecting their lands, cultures, traditions, and the allocation and exploitation of natural resources. However, in practice their participation in society continued to be marginalized. There were legally designated areas governed by traditional community leaders for five of the country's seven indigenous groups, including the Embera-Wounaan, Ngabe-Bugle, and Kuna communities. The government did not recognize such areas for the Bri-Bri and Naso communities.

The Ministry of Government contains an Office of Indigenous Policy. Although the country's law is the ultimate authority on indigenous reservations, indigenous groups maintained considerable autonomy. Nevertheless, many indigenous persons misunderstood their rights and failed to employ legal channels when threatened because they did not have an adequate command of the Spanish language.

The Embera-Wounaan community continued to fight against illegal settlements on its land. Attempts to remove settlers forcibly in August resulted in violence, and two indigenous persons were injured in machete attacks. The Ministry of Government negotiated a solution between the Embera-Wounaan and the settlers that same month and agreed to provide land outside of the area for the settlers by December. By year's end all but five settler families had been relocated outside of the Embera-Wounaan territories, but conflicts with settlers in other areas of the reservation continued.

On July 18, an estimated 100 Ngabe-Bugle indigenous people closed three sections of the Pan-American Highway passing through their autonomous territory for seven hours to protest mining and hydroelectric concessions granted by the government. Riot police used tear gas to disperse the group and detained 41 persons. On July 19, all were released without charge.

Societal and employment discrimination against indigenous persons was widespread. Employers frequently did not afford indigenous workers basic rights provided by law, such as a minimum wage, social security benefits, termination pay, and job security. Laborers in the country's sugar, coffee, and banana plantations (the majority of whom were indigenous persons) continued to work in overcrowded and unsanitary conditions. Employers were less likely to provide quality housing or food to indigenous migrant laborers, and their children were much more likely to work long hours of farm labor than nonindigenous children (see section 7.d.). MITRADEL conducted limited oversight of working conditions in remote areas due to limited staff.

On September 11, 26 percent of the 109,000 adult Ngabe-Bugles voted to elect a cacique (chief) general, three regional caciques, and seven local caciques. The elections were organized by the National Electoral Tribunal. Silvia Carrera was elected cacique general with 5,080 votes. Carrera was the first woman to hold the position. Three Organization of American States representatives participated as international observers, together with representatives from the Ombudsman's Office and the Catholic Church NGO Justicia y Paz. International and local observers considered the elections calm and transparent.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The law does not prohibit discrimination based on sexual orientation, and there was societal discrimination based on sexual orientation and gender identity, which often led to denial of employment opportunities. The PNP's regulations describe homosexual conduct as a "grave fault." Harassment of lesbian, gay, bisexual, and transgender (LGBT) persons by security forces was a major complaint of the New Men and Women of Panama (AHMNP), the country's main LGBT organization, but formal complaints were rare due to the perception that the reports were not taken seriously or that complaints could be used against claimants in the absence of nondiscrimination legislation.

In March police arrested two women in Panama City for kissing in public. The women were taken to a police station, physically searched, and taken to night court, where a judge verbally reprimanded them for their behavior before setting them free. The women publicly complained about their treatment, but police claimed that they were legally arrested for public drinking. In response, the AHMNP held a rally in May called "A Kiss Is Not a Crime."

The Panamanian Association of Transgender People reported regular incidents in which security forces refused to accept complaints of harassment towards

transgender individuals. The AHMNP reported six arrests of transgender persons, based on a sodomy law that was repealed in 2008. All the victims were later released.

Other Societal Violence or Discrimination.—The law prohibits discrimination against persons with HIV/AIDS in employment and education, but discrimination continued to be common due to ignorance of the law and a lack of mechanisms for ensuring compliance. The Ministry of Health and Social Security provided treatment for HIV/AIDS. The only local NGO dedicated to HIV/AIDS patients, the Foundation for the Welfare and Dignity of People Affected by HIV/AIDS (PROBIDSIDA), received a government subsidy to help defray its payroll and mortgage expenses.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law recognizes the right of private-sector workers to form and join unions of their choice subject to the union's registration with the government, but it prohibits public servants from forming unions. The law permits public servants to form associations that may bargain collectively on behalf of members. The law provides private-sector workers the right to strike and grants public-sector employees a limited right to strike, except for those in areas deemed vital to public welfare and security, including police and health workers. With some exceptions the law provides all private-sector and most public-sector workers the right to organize and bargain collectively, prohibits employer antiunion discrimination, and protects workers engaged in union activities from loss of employment or discriminatory transfers.

The law places several restrictions on these rights, including requiring citizenship to serve on a trade union executive board, stipulating a minimum of 40 persons to form a private-sector union (either by company across trades or by trade across companies), and permitting only one trade union per business establishment. The International Labor Organization (ILO) continued to criticize the 40-person minimum, stating that was too high for workers wanting to form a union within a company. The government, private sector, and unions reiterated their support for keeping the figure at 40 individuals.

Similarly, 50 public servants are required to form a worker's association—a level the ILO considered too high. Member associations represent public-sector workers, such as doctors, nurses, firefighters, and administrative staff in government ministries. The law stipulates that there may not be more than one association in a public-sector institution and permits no more than one chapter per province. The law provides that if the government does not respond to a registration application within 15 days, the union automatically gains legal recognition.

Strikes must be supported by a majority of employees and related to a collective bargaining agreement. In the event of a strike by administrative workers, at least 25 percent of the workforce must continue to provide minimum services. In the case of a strike by workers in "essential public services," such as transportation, firefighting, mail, and telecommunications, 50 percent of the working force must continue to provide those services.

Strikes in essential transportation services are limited to those involving public passenger services. The law prohibits strikes for the Panama Canal Authority's employees but allows unions to organize and bargain collectively on such issues as schedules and safety. It also provides for arbitration to resolve disputes.

By law the National Federation of Public Servants (FENASEP), an umbrella federation of 21 public-sector worker associations, is not permitted to call strikes or negotiate collective bargaining agreements. Individual associations under FENASEP may negotiate on behalf of their members.

Law 32, passed in April, eliminates restrictions on collective bargaining that had allowed companies less than two years old and enterprises in export processing zones (EPZs) to refuse to sign collective bargaining agreements. The law obligates those enterprises to bargain collectively and provide 15 (not 35) days of conciliation before a strike is legal; it also extends to EPZ firms the labor code definition of temporary (or "definite") workers, meaning those who have been employed for less than two years.

Law 30, also passed in April, eliminated restrictions on collective bargaining that Law 29 of 2010 had created in the special economic area in Baru region. In addition, Law 32 creates a special regime for the establishment and operation of free trade zones, which include existing EPZs and some "call centers."

Supreme Court decisions recognize that collective agreements negotiated between employers and unorganized workers have legal status equivalent to collective bargaining agreements, although collective agreements negotiated by a union have precedence over collective agreements negotiated by nonunionized employees. Executive decrees provide that an employer may not enter into collective negotiations

with nonunionized workers when a union exists. However, these decrees had not been tested in court. Based on previous practice, MITRADEL's Manual of Labor Rights and Obligations provides that unorganized workers may petition the ministry regarding labor rights violations and may exercise the right to strike.

An executive decree protects employees from employer interference in labor rights, specifically including "employer-directed unions," and mandates that unions be freely chosen by workers without penalty. Two other executive decrees strengthened the ability of workers to bargain collectively by clarifying the criteria for legitimate subcontracting and establishing an enforcement plan to protect the rights of temporary workers.

The government lacked sufficient mechanisms to ensure that laws prohibiting employer interference in unions and protecting workers from employer reprisals were adequately enforced. MITRADEL reported that inadequate personnel resources, large case backlogs, and incomplete or inaccurate information in applications delayed the processing of new registrations within the required time frame.

In addition to the court system, MITRADEL's Conciliation Board has the authority to resolve certain labor disagreements, such as internal union disputes, enforcement of the minimum wage, and some dismissal issues. The law allows arbitration by mutual consent, by employee request, or during a collective dispute in a public service company and allows either party to appeal if arbitration is mandated during a collective dispute in a public-service company. The separate Tripartite Conciliation Board has sole competency for disputes related to domestic employees, some dismissal issues, and claims of less than 1,500 balboas ($1,500). For public-sector workers, the Board of Appeal and Conciliation in the Ministry of the Presidency hears and resolves complaints. If not resolved by the board, complaints are referred to an arbitrage tribunal, which consists of representatives from the employer, the employee association, and a third member chosen by the first two. Tribunal decisions are final.

Union leaders continued to express concerns about government actions, such as auditing union budgets, which they characterized as interference and intimidation. They also asserted that automatic union registration did not occur in practice.

Although private-sector unions widely exercised the right to organize and bargain collectively, antiunion discrimination, loss of employment and discriminatory transfers occurred in practice. Employers in the retail industry frequently hired temporary workers to circumvent labor code requirements for permanent workers. Temporary workers have the same rights established under a collective bargaining agreement as do other employees, except relating to dismissal. In lower-skilled service jobs, employers often hired employees under three-month contracts for several years, sometimes sending such employees home for a month and later rehiring them. Employers also circumvented the law requiring a two-week notice for discharges by dismissing some workers one week before a holiday. Employers frequently hired workers for one year and 11 months and subsequently dismissed them to circumvent laws that make firing employees more difficult after two years of employment.

While labor leaders approved of the conciliation board, some lawyer groups criticized it as a route for circumventing the judiciary, leaving interpretation of labor laws to the discretion of persons who might lack expertise, and opening the labor dispute-resolution system to political pressure.

b. Prohibition of Forced or Compulsory Labor.—In November the government approved Law 79, which expressly prohibits all forms of forced labor of adults or children. The law establishes penalties of 15 to 20 years' imprisonment for forced labor involving movement from one place to another, and six to 10 years' imprisonment for forced labor not involving movement. The law was scheduled to take effect on January 1, 2012.

During the year the government did not use existing provisions of constitutional law or other civil and criminal statute to prosecute forced labor cases, and there were reports that some forced labor of adults occurred. There were anecdotal reports that People's Republic of China citizens were forced to work in grocery stores and laundries in situations of debt bondage, as well as reports that Nicaraguan and Colombian women were subjected to domestic servitude.

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 code prohibits the employment of children under age 14, although exceptions can be made for children 12 and older to perform light farm work if it does not interfere with their school hours. However, the law does not set a limit on the total number

of hours that children may work in agriculture or define what kinds of light work children may perform.

Children who have not completed primary school may not begin work until age 15. The law prohibits 14- to 18-year-old children from engaging in potentially hazardous work and identifies such hazardous work to include work with electrical energy, explosives, or flammable, toxic, and radioactive substances; work underground and on railroads, airplanes, and boats; and work in nightclubs, bars, and casinos. Youths under 16 may work no more than six hours per day or 36 hours per week, while those 16 and 17 may work no more than seven hours per day or 42 hours per week. Children under 18 may not work between 6 p.m. and 8 a.m. Businesses that employ an underage child are subject to civil fines, while employers who endanger the physical or mental health of a child may face two to six years' imprisonment.

MITRADEL generally enforced the law effectively in the formal sector. The ministry enforced child labor provisions in response to complaints and can order the termination of unauthorized employment. The ministry performed inspections to ensure compliance with child labor regulations. Government social workers visited farms in the coffee-growing region of Chiriqui in January and February and found 330 children working in the planting and harvesting of coffee, rice, plantains, and other crops. The government acknowledged that it was unable to enforce some child labor provisions in rural parts of the country; MITRADEL conducted only limited inspections in those areas.

MITRADEL and the National Directorate Against Child Labor and Protection of Adolescent Workers (DIRETIPPAT) continued to grant scholarships to children to encourage them to stay in school. MITRADEL and the National Secretariat for Children, Adolescents, and the Family (SENNIAF) staff visited the provinces of Veraguas, Darien, Bocas del Toro, Cocle, Los Santos, Herrera, and Kuna Yala to inform communities about grants offered through the Institute of Training and Development of Human Resources (IFARHU). The government continued to raise awareness about and provide training for officials and civil society on combating child labor.

SENNIAF published a resource guide to the services offered to children by government, private, and nongovernmental organizations. SENNIAF operated programs that offered comprehensive services to children at risk and their families, including home and school visits, tutoring, and parental counseling. During the year MITRADEL identified 1,628 children and adolescents performing child labor and assisted 1,195 to continue their education and with social follow-up. The Committee for the Eradication of Child Labor and the Protection of the Adolescent Worker (CETIPPAT) provided outreach to 3,369 children engaged in or at risk of child labor. The National Institute of Vocational Training for Human Development implemented programs for parents of those children involved in DIRETIPPAT's outreach program.

In February the ombudsman and UNICEF launched a campaign against the commercial sexual exploitation of children and adolescents designed to combat this crime and promote a culture of zero tolerance.

MIDES, CETIPPAT, and the NGO Casa Esperanza continued a program in the comarca (reservation) of the Ngabe-Bugle, Santiago de Veraguas, and Chorrera that provided scholarships for working children so they could begin or return to primary school; it also provided job training and literacy programs for their parents.

According to the 2010 child labor survey by the government and ILO, approximately 60,700 children and adolescents (7 percent of the overall population in the five-to-17-year-old age group) were engaged in some type of labor. Sixty-nine percent of working children also attended school. Seventy-seven percent of working children and adolescents said they worked less than 25 hours per week, and 57 percent worked with their families.

Child labor violations occurred most frequently in rural areas in agriculture and fishing, especially during the harvest of melons, tomatoes, onions, sugarcane, and coffee. The harvest season for these products is in January and February, with planting occurring in March and April. Children generally worked five to eight hours per day in these activities. Farm owners often paid according to the amount harvested, leading many laborers to bring their young children to the fields to help. The problem of child labor in agricultural areas fell most heavily on indigenous families who often migrated from their isolated communities in search of paid work and whose frequent migrations interrupted schooling. Child labor also occurred in domestic work and other areas of the informal sector, including selling goods, shining shoes, washing cars, and assisting bus drivers.

According to Casa Esperanza, child labor increased in agricultural areas in the central provinces and was identified in new sectors in Panama City, Colon, and David. In Colon children scavenged in the ocean for metal and other items from

boats to sell. Two children drowned during such work during the year. In David children were found selling flowers and CDs/DVDs in the streets.

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.—At year's end the minimum wage ranged from 1.06 to 2.00 balboas ($1.06 to $2.00) per hour, depending on region and sector. Working 40 hours per week, 50 weeks a year, and earning the minimum-wage median, a person would earn approximately184 to 347 balboas ($184-$347) per month. The poverty line was 94 balboas ($94), while the extreme poverty line was 53 balboas ($53) per month per person. Food and the use of housing facilities were considered part of the salary for some workers, such as domestic and agricultural workers. The agricultural and construction sectors received the lowest and highest minimum wages, respectively.

The law establishes a standard workweek of 48 hours, provides for at least one 24-hour rest period weekly, limits the number of hours worked per week, provides for premium pay for overtime, and prohibits excessive or compulsory overtime. Workers have the right to 30 days' paid vacation for every 11 months of continuous work, including those who do not work full time. MITRADEL is responsible for setting health and safety standards. The labor code requires employers to provide a safe workplace environment, including the provision of protective clothing and equipment for workers, but it does not specifically recognize the right of a worker to leave a dangerous work situation without jeopardy to continued employment.

MITRADEL generally enforced these standards in the formal sector. There were 197 labor inspectors, of whom 51 were occupation security inspectors. Information on the number of workplace inspections during the year was unavailable. Inspectors from MITRADEL and the occupational health section of the Social Security Administration conducted periodic inspections of hazardous employment sites and responded to complaints. However, the government did not enforce health and safety standards adequately. The law requires that the resident engineer and a MITRADEL safety officer remain on construction sites, establishes fines for noncompliance, and identifies a tripartite group composed of the Chamber of Construction, the construction union Suntracs, and MITRADEL to regulate adherence.

Most workers formally employed in urban areas earned the minimum wage or more. Approximately 40 percent of the population worked in the large informal sector and earned well below the minimum wage, particularly in most rural areas, where unskilled laborers earned from three to six balboas (three to six dollars) per day without benefits. MITRADEL was less likely to enforce labor laws in most rural areas (see section 6, Indigenous People).

As of July seven construction workers in Panama City died due to accidents suffered on the job. Some construction workers and their employers were occasionally lax about conforming to basic safety measures, frequently due to their perception that it reduced productivity. Equipment was often outdated, broken, or lacking safety devices, due in large part to a fear that the replacement cost would be prohibitive. Construction workers and safety inspectors needed training to enable them to use new construction technologies.

PARAGUAY

EXECUTIVE SUMMARY

Paraguay is a multiparty, constitutional republic. In 2008 Fernando Lugo of the Patriotic Alliance for Change won the presidency in elections that were generally free and fair. Security forces reported to civilian authorities.

The principal human rights problems were killings by police or government officials; harsh, occasionally life-threatening conditions in prisons; and political interference, corruption, and inefficiency in the judiciary.

Discrimination and violence against women; indigenous persons; persons with disabilities; and lesbian, gay, bisexual, and transgender (LGBT) persons continued, as did trafficking in persons. Exploitation of child labor and violations of worker rights also remained serious problems.

There was impunity for officials who committed abuses in the security forces and elsewhere in government.

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

a. Arbitrary or Unlawful Deprivation of Life.—The government did not commit any politically motivated killings, but there were accusations of a politically motivated killing by an official of one of the major political parties.

On March 4, three unknown assailants killed National Republican Association (Colorado) party politician and radio journalist Merardo Alejandro Romero Chavez at his home in Itakyry. Romero's supporters contended that the killing was linked to fellow Colorado party member and former mayor Miguel Angel Soria, who was running against Romero in the March 13 primary elections for local party leader. A police investigation continued at year's end, and the prosecutor ordered the "preventive detention" of Romero's chief political advisor, Jose Valenzuela.

There were reports that some security forces acted in their official capacity but without government knowledge or support to kill individuals for personal gain. Some of those reports alleged that government prosecutors conspired to cover up the killings.

On August 21, subofficial Fermin Delvalle Carreras shot and killed Rafael Sanabria Amarilla, 20, after a police roadblock in Hohenau, Itapua Department, stopped the car in which Rafael and his friends were traveling. The occupants were forced to leave the car, kneel, and were frisked. Rafael was shot in the back while kneeling and allegedly offered no resistance. The Prosecutor's Office charged Delvalle with homicide, and the case remained pending at year's end.

There were no known developments in the case of Prosecutor Fleitas Ramires and five police officers arrested and charged in the July 2010 killing of Marcos Roberto Carrion or in the case of 17 police officers charged in August 2010 with manslaughter in the death of Gustavo Munoz.

b. Disappearance.—There were no reports of politically motivated abductions; however, there were press reports of "express kidnappings" for ransom, including reports of actions taken by policemen with help after the fact from prosecutors, which occasionally resulted in unresolved disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such treatment, and the government generally respected these provisions in practice, although there were reports that some government agents employed such treatment. The Coordinator of Human Rights in Paraguay (CODEHUPY), made up of 33 nongovernmental organizations (NGOs) and civic organizations, reported several allegations of police torture and other abuses designed to extract confessions or intimidate detainees. On January 31, two police officers allegedly kidnapped and tortured Cipriano Encina Casco and his wife Reina Troche near Ciudad del Este. Encina claimed the police officers beat and suffocated them with plastic bags while demanding money and stealing their vehicle. The couple reported receiving subsequent death threats from the officers against whom they filed a complaint. The case remained under investigation by the Prosecutor's Office at year's end.

Prison and Detention Center Conditions.—Prison and detention center conditions generally continued to fall short of international standards. The most serious problems included violence, mistreatment, overcrowding, inadequate and poorly trained staff, deteriorating infrastructure, unsanitary living conditions, poor food safety standards, and inadequate medical and psychological care. On January 3, the minister of justice and labor announced the government would begin closing the largest prison in the country, Tacumbu, starting with transfers of prisoners to other prisons in 2012.

The country's 15 penitentiaries held more than 6,300 inmates, 20 percent more than their design capacity of 5,300. The penitentiary in Ciudad del Este, designed to hold approximately 300 inmates, held more than 650. Pretrial detainees were held with convicted prisoners in all but two penitentiaries. Women constituted approximately 5 percent of the prison population, and prison conditions for men and women were comparable.

Prisons lacked adequate security controls. Inmates frequently carried weapons and committed acts of violence, particularly against other inmates. Through November the Ministry of Justice and Labor (MJT) recorded the deaths of 17 prisoners in custody, some of whom were killed by other inmates, and 18 injuries. There were cases of inmates conducting illicit activities by bribing and conspiring with prison guards. Visitors occasionally needed to offer bribes to visit prisoners, hindering effective representation of inmates by public defenders.

Inmates had access to potable water. There are prison ombudsmen, and they are moderately effective. No significant steps to improve record keeping or use alternatives to sentencing have been undertaken.

Prisoners had access to visitors and were permitted to observe their chosen religion. Although in theory prisoners could submit complaints, it is not clear that such submissions were always without censorship. Authorities investigated credible allegations of inhumane conditions and took steps to alleviate them within the limitations of available resources.

In September 2010 prosecutors charged prison staff at Asuncion's Tacumbu Prison with complicity in the production of child pornography by inmates. Those charges and others against the former prison director and security chief remained pending at year's end.

Although the MJT assigned minors convicted of juvenile crimes to five youth correctional facilities in the country, some juvenile offenders served their sentences in adult prisons. Living conditions in juvenile facilities were generally better than in adult prisons.

Prison officials and unauthorized prisoner leadership frequently separated inmates based on their ability to pay for better living conditions. Inmates could upgrade their accommodations for a fee ranging from 20,000 to 50 million guaranies (approximately $5 to $12,500).

The government permitted independent monitoring of prison conditions and granted the media, human rights groups, and diplomatic representatives access to prisons with prior coordination from the MJT. Representatives of the media, the International Committee of the Red Cross, and other NGOs conducted prison visits during the year.

d. Arbitrary Arrest or Detention.—The law prohibits arrest and detention without an arrest warrant signed by a judge and stipulates that persons detained must appear before a judge within 24 hours for an initial hearing. There were some reports of arbitrary arrest and detention of persons without a warrant.

Role of the Police and Security Apparatus.—The National Police, under the authority of the Interior Ministry, preserves public order, protects the rights and safety of persons and entities and their property, prevents and investigates crimes, and implements orders given by the judiciary and public officials. The military, under the president's authority, guards the country's territorial integrity and defends lawfully constituted authorities. The Defense Ministry, also under the president's authority but outside the military's chain of command, handles some defense matters. The law authorizes the Antinarcotics Secretariat and the Antiterrorism Secretariat, both under the president's authority, to enforce the law and maintain order in matters related to narcotics trafficking and terrorism.

Civilian authorities generally maintained control over the security forces. The security forces did not effectively coordinate law enforcement efforts. Although the government has mechanisms to investigate and punish abuses and corruption by the security forces, there were reports of police involvement in crimes that went unpunished. In 2010, 41 police officers were fired for a variety of criminal offenses. From January to April, authorities dismissed 58 police officers for criminal behavior.

The 23,000-member National Police force was poorly trained, inadequately funded, plagued by corruption, and shielded in large part by impunity. There were frequent incidents of police involvement in homicide, arms and narcotics trafficking, car theft, robbery, extortion, and kidnapping throughout the country, with such abuses particularly widespread in Ciudad del Este and other locations on the border with Brazil. In 2010 the police recorded 160 formal complaints against police officers, mostly for alleged physical abuse or abuse of office. These complaints were generally unresolved. Some prosecutors routinely conspired with police and criminal organizations to extort and blackmail individuals.

In November 2010 military cadet Antenor Rafael Saiz Ribes filed a complaint against the military academy alleging he was beaten and verbally assaulted as part of a common hazing ritual. Although the president subsequently replaced the commander of the corps of cadets, further investigation was stymied by a lack of cooperation from military authorities, who disregarded a summons to give testimony on January 18.

The government continued efforts to decrease and punish human rights violations committed by police. On January 28, the National Police adopted a manual outlining circumstances in which police may use force, and on August 9, the National Police commander approved rules emphasizing transparency and respect for human rights in the disciplinary process. In March the Public Ministry established a special unit to receive, investigate, and prosecute human rights abuses; the unit assumed the existing 850 open cases and is mandated to deal with future complaints of human rights violations. There were no reports of significant prosecutorial successes by year's end.

Arrest Procedures and Treatment While in Detention.—Police may arrest individuals when authorized by a judicial or prosecutorial warrant or when they discover a crime in process. The law provides that, after making an arrest, police have up to six hours to notify the Prosecutor's Office, at which point the Prosecutor's Office has up to 24 hours to notify a judge that it intends to prosecute the case. The law provides detainees with the right to a prompt judicial determination regarding the legality of the detention, and authorities appeared to respect this right in practice and to inform detainees promptly of the charges against them.

The law allows judges to utilize "substitute measures" such as house arrest and bail in felony cases. In misdemeanor cases, judges frequently set relatively high bail, and many poor defendants were unable to post bond while those with political connections often paid minimal or no bonds.

The law grants accused criminals the right to counsel, and the government provides representation to poor defendants. The quality of representation was degraded by the size of the public defenders' caseloads. The government permitted defendants to hire attorneys at their own expense. Detainees had access to family members.

Pretrial Detention.—The law permits detention without trial until the accused completes the minimum sentence for the alleged crime. Approximately 70 percent of prisoners were in pretrial detention during the reporting period. The law stipulates that pretrial detention may range from six months to five years, based on the nature of the crime. In practice detention was arbitrarily lengthy, and some detainees were held beyond the maximum allowable detention time. Judicial inefficiencies and corruption in the judiciary caused significant trial delays and extended pretrial detention.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary; in practice, however, political interference seriously compromised that independence. Judicial selection processes were highly politicized, with specific seats customarily allocated by political party. Courts remained inefficient and subject to corruption. Politicians and interested parties routinely attempted to influence investigations and pressure judges and prosecutors. There were also frequent accusations that judges and prosecutors solicited bribes to drop or modify charges against defendants.

Trial Procedures.—The constitution provides for the right to a fair trial, which the judiciary nominally enforced through a lengthy trial process. A 2009 Center for Judicial Studies report revealed that only 48 percent of cases initiated in 2008 were resolved within one year. Wealthy or well-connected defendants received impunity by conspiring with judges and often filing specious motions that slowed legal progress until their cases reached the statute of limitations.

The law provides for the use of three-judge tribunals in lieu of juries to rule on procedure, determine guilt or innocence, and decide sentences. A majority opinion is required to convict. One judge presides over civil cases as well as misdemeanor cases with maximum punishments not exceeding two years in prison.

All trials are open to the public. The law requires prosecutors to indict accused persons within 180 days of arrest, although prosecutors and public defenders at the Public Ministry lacked the resources to perform their jobs adequately. Defendants enjoy a presumption of innocence and a right of appeal, and defendants and prosecutors may present written testimony from witnesses and other evidence. Defendants have the right of access to state evidence relevant to their cases.

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

Regional Human Rights Court Decisions.—In response to the August 2010 decision of the Inter-American Court of Human Rights in the Xakmok Kasek indigenous community case, the government informed the court in August that a presidential decree revoking the private nature reserve of the property in question was being prepared, thus paving the way for compliance with the land transfer ruling. Negotiations were underway for the purchase of land.

During the year the government partially complied with two court rulings. Concerning the 2006 decision in favor of the Sawhoyamaxa indigenous community, the government continued to provide monetary restitution but did not award land to the community.

Regarding the 2005 judgment in favor of the Yakye Axa indigenous community, the community accepted in principle the government's planned purchase of approximately 37,000 acres of alternative land for resettlement to replace ancestral land on which community members were living. The government subsequently allocated funds, identified such acreage on the El Algarrobal ranch, and on December 10 announced that it had agreed on the purchase price. The Yakye Axa agreed to relocate to the El Algarrobal property.

Civil Judicial Procedures and Remedies.—Citizens have access to the courts to bring lawsuits seeking damages for, or cessation of, human rights violations. There are administrative and judicial remedies for alleged wrongs, although authorities rarely granted them to citizens. The government experienced problems in enforcing court orders.

Property Restitution.—The government generally enforced court orders with respect to seizure, restitution, or compensation for taking private property. However, systemic failures occurred. For example, in Puerto Casado land disputes dating back to 2000 between local residents and the land-owning business Victoria SA resulted in periodic clashes and damage to private property, while the government did not enforce judicial decisions and court orders to return occupied land to the landowner.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits 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. Individuals criticized the government publicly and privately, generally without reprisal or impediment.

Violence and Harassment.—Because of their reporting, journalists were on occasion subjected to harassment, intimidation, and violence—primarily from drug trafficking gangs and criminal syndicates based in departments bordering Brazil but also from politicians. In May Fermin Jara, a writer with the daily newspaper ABC Color, along with Carlos Bottino and Samir Sanchez, journalists with Radio Parque in Ciudad del Este, alleged that the governor of Alto Parana, Nelson Aguinagalde, sought to intimidate them. The journalists claimed that Aguinagalde threatened to "kill them with a machine gun" if they continued to criticize his administration. They also claimed that, at the request of Governor Aguinagalde, the radio programs hosted by Bottino and Sanchez were censored and later cancelled because of their refusal to stop their criticism of the governor.

Libel Laws/National Security.—Political officials often retaliated against media criticism by invoking criminal libel laws and suing the media to intimidate journalists and suppress further investigations. For example, in 2010 ABC Color managing director Aldo Zuccolillo faced criminal charges relating to defamation suits brought against him by former government officials. On April 7, authorities ordered him to pay 236 million guaranies ($59,000) plus interest for questioning the judicial decision that freed former president Luis Angel Gonzalez Macchi from prosecution. An appeal was 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-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 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's National Commission of Refugees 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, returning refugees, asylum seekers, stateless persons, and other persons of concern. The NGO Committee of Churches for Emergency Aid acted as the U.N.'s local legal representative.

Foreign Travel.—Authorities on occasion barred those convicted of crimes from traveling abroad after completing their sentences.

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.

Durable Solutions.—The government permits persons refused asylum or refugee status to obtain legal permanent residency.

Temporary Protection.—The government also provided temporary protection to individuals who may 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.—In the 2008 multiparty general elections, Fernando Armindo Lugo Mendez of the Patriotic Alliance for Change won the presidency. International observers characterized the elections as generally free and fair.

Participation of Women and Minorities.—There were no legal impediments to women's participation in government and politics. There were 17 women in congress (seven of 45 senators and 10 of 80 national deputies). Of 39 appeals court judges, 11 were women. Two women served on the Supreme Court and one as a departmental governor. One woman headed a cabinet-level ministry, and four women held ministerial rank. In the November 2010 municipal elections, 18 women won mayoral contests in 238 cities. The head of the country's largest political party, the Colorado Party, was a woman. The electoral code requires that at least 20 percent of each party's candidates in internal party primaries be women, and this requirement was met.

Although there were no legal impediments to participation by minorities or indigenous persons in government, there were no indigenous persons or members of minorities serving as governor or in the cabinet, legislature, or Supreme Court.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and some officials in all branches and at all levels of government frequently engaged in corrupt practices with impunity. Under a law that prohibits court cases from lasting longer than five years, politicians convicted in lower courts routinely avoided punishment by filing appeals and motions until the statute of limitations expired. The World Bank's Worldwide Governance Indicators reflected that corruption was a serious problem.

The Public Ministry, under the authority of the attorney general, has a dedicated prosecutorial unit to combat corruption. Elected officials are required to disclose their finances before running for office; however, filings often were late, incomplete, or misleading. In addition, many simply did not disclose their finances and engaged in corrupt practices with impunity, using political immunity to avoid prosecution. In July 2010 the interior minister, who oversees the National Police, announced that all policemen must file reports of net worth every three years and when they are eligible for promotion. There were no reports on compliance with this directive.

Corruption in the 10,000-member military continued. Several senior leaders at the military's primary training facility repaid money during the year that they had extorted from their subordinates.

The case against suspended prosecutor Gustavo Gamba, who had been taped in 2009 receiving an illicit payment of 360 million guaranies ($90,000) from Senator Victor Bernal Garay, remained pending after the Constitutional Bench of the Supreme Court ruled March 4 against a motion to dismiss the charges.

Former principal commissioner and third-ranking officer in the National Police chain of command, Eligio Ibarra Hlavasek, and Commissioner Nery Vera both admitted to receiving bribes from business owners in return for assigning policemen to provide security for their businesses. In February they were ordered to pay 2.4 million guaranies ($600) to a charity.

Although the law provides for public access to government information, citizens and noncitizens, including foreign media, had limited access to government information. Insufficient infrastructure and determined efforts to hide corruption hindered access, although the government improved transparency by publishing information publicly via the Internet.

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

More than 50 domestic and international human rights groups, including the International Organization for Migration, International Labor Organization (ILO), and UNICEF, operated without government restriction, investigating and pub-

lishing their findings on human rights cases. Major local NGO umbrella organizations representing many local human rights NGOs operated independently.

Government officials cooperated with domestic NGOs and met with domestic NGO monitors but often did not take action in response to their reports or recommendations. The government generally cooperated with international human rights groups, humanitarian NGOs, and international governmental organizations and regularly permitted visits by their representatives.

Government Human Rights Bodies.—The term of Ombudsman Manuel Paez Monges, the country's primary human rights advocate, expired in August 2010, but he continued to serve with no apparent movement to find a replacement. The ombudsman employed approximately 163 lawyers and support personnel. Human rights organizations, victims of the Stroessner dictatorship, and several congress members criticized Monges for what they considered ineffective handling of cases. His office lacked independence and initiative, published no significant reports during the year, and has not issued an annual report on human rights to congress since 2005.

The Senate Committee on Human Rights made frequent fact-finding trips within the country but has not issued any reports since 2008.

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

The law prohibits discrimination based on race, gender, disability, language, or social status. However, women, LGBT persons, and indigenous persons faced discrimination in practice.

Women.—Rape and Domestic Violence.—The law criminalizes rape, including spousal rape, and provides penalties of up to 10 years in prison for rape or forcible sexual assault. If the victim is a minor under the age of 18, the sentences range from three to 15 years. According to the Public Ministry, rape continued to be a significant and pervasive problem. The government generally prosecuted rape allegations and often obtained convictions; however, many rapes went unreported due to fear of stigma and of retribution or further violence. Police generally did not give a priority to acting on rape reports. In 2010 the Public Ministry reported 892 cases of rape.

No unified official statistics accurately track the number of reported cases of domestic violence; however, the Public Ministry registered 1,977 cases of "family violence" in 2010. Although the law criminalizes domestic violence, including spousal abuse and psychological violence, and stipulates a penalty of two years in prison or a fine for those who are convicted, it requires that the abuse be habitual and that the aggressor and victim be "cohabitating or lodging together" before it is considered criminal. Those convicted were typically fined. Despite increased reports of domestic violence, individuals often withdrew complaints soon after filing due to spousal reconciliation or family pressure. In some cases the courts mediated in domestic violence cases, but there were no reliable statistics available as to the results. Domestic violence was very common, and thousands of women were treated for injuries sustained in domestic altercations, but the government took little action to combat the problem. The emergency 911 system took 16,974 calls on domestic violence in 2009, resulting in only 286 formal complaints to police.

Throughout the country, the National Police oversaw six domestic violence units staffed with approximately 30 police officers and administered from existing police stations in Asuncion, Encarnacion, Villa Elisa, and Villarrica. In 2010 the Secretariat of Women's Affairs (SMPR) received 2,030 complaints of domestic abuse (410 for physical beating, 861 for psychological attacks, 642 for economic distress, and 117 for sexual abuse).

The SMPR operated a shelter for female victims of trafficking and domestic violence in Asuncion and intervened in 1,741 cases in 2010. It coordinated victim assistance efforts, public outreach campaigns, and training with the National Police, healthcare units, the Public Ministry, and women's NGOs. NGOs provided health and psychological assistance, including shelter, to victims. The SMPR and the Public Ministry also provided victim assistance courses for police, healthcare workers, and prosecutors.

Sexual Harassment.—The law prohibits sexual harassment and stipulates a penalty of two years in prison or a fine; however, sexual harassment remained a problem for many women. Prosecutors found sexual harassment and abuse claims difficult to prove, and most complaints were settled privately without involving prosecutors.

Reproductive Rights.—Couples and individuals had the right to decide freely the number, spacing, and timing of their children and had the information and means to do so free from discrimination. The government provided access to information

on contraception and skilled attendance at delivery and in postpartum care. According to U.N. estimates for 2008-09, the maternal mortality rate was 95 deaths per 100,000 live births, with 82 percent of births attended by skilled health personnel. Seventy percent of women ages 15-49 reportedly used a modern method of contraception, despite religious bans on "artificial" contraception. Reproductive health services were concentrated in cities, and rural areas faced significant gaps in coverage. Adolescent pregnancy continued to be a problem. CODEHUPY speculated that the reason for the high rate of such pregnancy was that "sex education in school curricula lacks the incorporation of perspectives regarding lay society, gender, and human rights." Women and men had equal access to diagnostic services and treatment for sexually transmitted infections.

Discrimination.—Although women generally enjoyed the same legal status and rights as men, gender-related discrimination was widespread and deeply ingrained. Employers often paid women significantly less than men for comparable work, and women experienced more difficulty finding work. Women generally were employed as domestic workers, secretaries, and customer service representatives. The Economic Commission for Latin America and the Caribbean reported unemployment levels of 7 percent for women and 4 percent for men. Women in the private sector earn on average approximately 73 percent of the monthly pay of their male counterparts. The SMPR promoted the rights of women and sponsored programs intended to give women equal access to employment, social security, housing, ownership of land, and business opportunities. Its minister-level director reports directly to the president.

Children.—Birth Registration.—Nationality is derived by birth within the country's territory, by birth to government employees in service outside the country, or by birth to a citizen residing temporarily outside the country. Citizenship is conveyed to all nationals who attain the age of 18 as well as to older individuals when they are naturalized.

Child Abuse.—Available information indicates that violence against children was widespread and equally prevalent among rural and urban families. Authorities often did not act on complaints of child abuse. The Secretariat of Children and Adolescents (SNNA) provided funds to the Grupo Luna Nueva hostel for exploited children. In Ciudad del Este the NGO Children's and Adolescents' Care and Assistance Center managed a shelter partially supported by the SNNA, and local Catholic charities operated several children's homes and orphanages in several locations. In many cities the municipal council for children's rights assisted abused and neglected children.

Sexual Exploitation of Children.—Sexual exploitation of children, principally in prostitution, was a serious problem. According to the SNNA, many underage children were forced into prostitution or domestic servitude for survival and were sexually abused. The law provides penalties of up to six years' imprisonment for prostitution of victims between the ages of 14 and 17 and eight years' imprisonment for victims younger than 14. The minimum age for consensual heterosexual sex is 14 when married and 16 when not married. While there is a statutory rape law for those under 14, the maximum penalty is a fine for opposite-sex partners and prison for same-sex partners. Enforcement was not vigorous. Child pornography is illegal. Production of pornographic images can result in a fine or up to three years in prison. Authorities may increase this penalty to 10 years in prison depending on the age of the child and the child's relationship to the abuser.

International Child Abductions.—The country is 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 Jewish community has fewer than 1,000 members. There were no reports of anti-Semitic acts or reports of societal abuses or discrimination based on other religious affiliation, belief, or practice.

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 law does not mandate accessibility for persons with disabilities, and most of the country's buildings were inaccessible. Many persons with disabilities faced significant discrimination in employment; others were unable to seek employment because of a lack of accessible public transportation. The Ministry of Education estimated that at least half of all children with disabilities did not attend school because public buses could not accommodate them.

The National Institute for the Protection of Exceptional People is responsible for legally confirming disability status.

As of March there were 686 government employees with disabilities, constituting approximately 1 percent of public-sector employees. On February 23, the Asuncion City Council approved an ordinance establishing architectural requirements for accessibility to buildings and on sidewalks, as well as fines for lack of compliance. There are no laws to ensure access to information and communications.

Indigenous People.—The law provides indigenous people the right to participate in the economic, social, political, and cultural life of the country; however, the government did not always effectively protect those rights. Discrimination and lack of access to education, health care, shelter, and sufficient land hindered the ability of indigenous persons to progress economically while maintaining their cultural identity. The law protecting the property interests of indigenous persons was not respected in practice.

A 2008 census reported an indigenous population of approximately 108,000 and estimated that 39 percent over age 15 were illiterate and approximately 48 percent were unemployed. According to the General Directorate of Statistics, Surveys, and Censuses (DGEEC), the average monthly income of the indigenous population in 2008 was approximately half the minimum wage of the nonindigenous population.

Indigenous workers engaged as laborers on ranches earned low wages, worked long hours, were paid infrequently or not at all, and lacked benefits. This situation was particularly severe for indigenous persons engaged as laborers on ranches and estates in the Chaco region.

The National Institute of the Indigenous (INDI), the Public Ministry, and the Ombudsman's Office are responsible for protecting and promoting indigenous rights. However, the INDI lacked funding to purchase land on behalf of indigenous persons and required them to register for land at its office in distant Asuncion.

The law authorizes indigenous persons to determine how to use their land, leading many of them to transfer or rent their land to nonindigenous persons, some of whom illegally harvested fish or deforested the lands through cultivation. There were insufficient police and judicial protections from encroachments on indigenous lands, and few indigenous persons held title to their ancestral lands.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The Public Ministry is responsible for investigating discrimination cases; however, government agents often condoned discrimination on the basis of sexual orientation.

Penalties for the crime of having sex with a minor between the ages of 14 and 16 differ depending on the sex of the victim and perpetrator. Same-sex perpetrators are subject to up to two years in prison; the maximum penalty for opposite-sex perpetrators is a fine.

There are no laws explicitly prohibiting discrimination against LGBT individuals in employment, housing, statelessness, access to education, or health care, and all types of such discrimination, including societal discrimination, occurred frequently.

Other Societal Violence or Discrimination.—CODEHUPY noted that individuals with HIV/AIDS faced discrimination as well as societal intimidation in health care, education, and employment.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law allows both private- and public-sector workers to form and join independent unions (with the exception of the armed forces and the police), to conduct legal strikes, and to bargain collectively. The law prohibits antiunion discrimination. The government did not place restrictions on collective bargaining and did not require approval for collective agreements to be valid.

All unions must register with the MJT. The law requires that industrial unions have a minimum of 300 members to register, a requirement considered excessive by international standards.

The law also prohibits binding arbitration and retribution against union organizers and strikers. The law prohibits antiunion discrimination; however, courts are not required to reinstate workers fired for union activity.

The government did not always effectively enforce these provisions. Procedures were subject to lengthy delays, mishandling of cases, and allegedly corruption.

Workers exercised freedom of association and the right to collective bargaining in practice. Although the official union registration process was cumbersome and could take more than a year, the MJT typically issued provisional registrations within weeks of application to allow new labor unions to operate. Unions often began oper-

ating on the date of their provisional registration. Worker organizations were independent of the government and political parties.

Most workers, however, including farmers, ranchers, and informal sector employees, did not have access to labor unions. Many of these workers were members of farm workers' movements. Steel and maritime workers and employees at meat-processing plants often did receive relevant legal protections.

The government failed to prevent retaliation by employers who took action against strikers and union leaders. The courts provided due process through mechanisms such as voluntary arbitration.

Antiunion discrimination occurred in practice. Some union organizers experienced harassment and dismissal for union activities. Some workers allegedly chose not to protest due to fear of reprisal or anticipation of government inaction. Authorities arrested three members of the union at the steelmaker Acepar, and on April 23, the high court declared their strike illegal.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits transnational forced or compulsory labor but does not criminally penalize forced labor within the country. The government did not effectively enforce such laws, and there were reports that forced labor occurred in practice. There were reports of forced child labor (see section 7.c.).

The media continued to report allegations of debt labor primarily of men, but also of some older children, on the estates and ranches of the Chaco region. Receiving little to no wages, some indigenous workers allegedly contracted debts with their employers, who advanced them pay to meet the cost of food and clothes as well as of sending their children to school. This situation was severe for women in domestic service, who were reportedly not compensated for their work and faced abuse. There were some reports of forced child labor, particularly in domestic service (see section7.c.). The government's Commission on Fundamental Rights at Work and the Prevention of Forced Labor has taken no public action since its creation in 2009.

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 formal, full-time employment is 18 years. Adolescents between the ages of 14 and 17 may work so long as they have a written authorization from their parents, attend school, do not work more than four hours a day, and do not work more than 24 hours per week. Adolescents between the ages of 16 to 18 who do not attend school may work up to six hours a day with a weekly ceiling of 36 hours. Children younger than 13 years old are prohibited from working.

The government did not effectively enforce laws protecting children from exploitation in the workplace. The MJT is responsible for enforcing child labor laws, and the Public Ministry prosecuted violators. The country's National Commission for the Prevention and Eradication of the Exploitation of Children worked to eliminate exploitative child labor by increasing awareness, improving legal protections and public policy, and implementing monitoring systems; however, resource constraints limited the effectiveness of these efforts.

According to Article 389 of the Labor Code and Article 257 of the Child Law Code, the maximum administrative penalty for employing a child under the age of 14 is 3.25 million guaranies (approximately $812). The same articles stipulate that employers who employ adolescents between 14 and 17 under hazardous conditions will pay the maximum administrative penalty of 3.25 million guaranies (approximately $812).

The National Secretariat of Children and Adolescents administered the Abrazo ("Hug") program to assist families with children at risk of working in the streets. Since its inception the program has reached 11,651 children and families. The Secretariat for Social Action administered the Tekopora ("Well-being") program that paid parents of street children a monthly stipend to send their children to school. Between 83,000 and 98,700 families have registered with Tekopora. The SNNA's Summer Operation and Winter Operation programs brought 920 children of street workers into shelters when school was not in session. A similar program was also created for indigenous families and has brought shelter and support to approximately 564 children and families in rural indigenous communities.

Child labor was a problem, particularly in brick and lime manufacturing, domestic service, and agricultural sectors. A 2007 ILO study reported that 970,000 (53 percent) of children between the ages of five and 17 worked more than one hour per day, and 862,0000 worked at least 14 hours per week. The study did not disaggregate child workers by sector, but it reported that most worked in agriculture. From August to October the SNNA conducted the first national survey on

child labor, but the findings were not published by the end of the year. In rural areas 23 percent of children worked, compared with 13 percent of urban children.

Children, primarily boys, worked in the manufacturing and agricultural sectors (including cotton, beans, soy, sesame, wheat, peanuts, and stevia production) and in the hotel, restaurant, and transportation industries. Children also worked as vendors in markets. An estimated 60,000 children, primarily girls, worked as child domestic servants and received no pay. In exchange for work, employers promised child domestic servants room, board, and financial support for school. However, some of these children were victims of forced child labor, did not receive pay or the promised benefits in exchange for work, were sometimes subject to sexual exploitation, and often lacked access to education.

The worst forms of child labor occurred where malnourished, abused, or neglected children worked in unhealthy and hazardous conditions selling goods or services on the street, working in factories, or harvesting crops. Slavery and similar practices occurred, particularly in prostitution and domestic servitude. Parents and guardians reportedly sold their children for such purposes, and children were used, procured, and offered to third parties for illicit activities. Some minors worked as drug smugglers along the border with Brazil as part of criminal syndicates.

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 mandatory national minimum wage was approximately 1.6 million guaranies ($400) per month, and the per capita monthly income was approximately 970,000 guaranies ($243).

The law provides for a standard legal workweek of 48 hours (42 hours for night work) with one day of rest. The law also allows an annual bonus of one month's salary, and a minimum of 12 and a maximum of 30 vacation days per year, depending on years of service. The law requires overtime payment for hours in excess of the standard. There are no prohibitions of or exceptions for excessive compulsory overtime. The Labor Code stipulates a fine of 30 minimum daily wages for an employer who pays below minimum wage.

The government sets occupational health and safety standards of safety, hygiene, and comfort. Workers have the right to remove themselves from situations that endanger their health or safety without jeopardy to their employment, but authorities did not effectively enforce this right in practice. The law stipulates penalties up to three to five years in prison for employing persons in hazardous conditions or coercing persons to work.

Government actions to prevent violations of minimum wage provisions were limited to information campaigns. The MJT did not effectively enforce the minimum wage or limitations on hours of work in the formal or the informal sector. The MJT also failed to enforce provisions for overtime pay, and the Ministry of Health did not enforce occupational safety and health regulations effectively. In 2010 the MJT had 30 inspectors in Asuncion and nine in regional offices.

In July 2010 the DGEEC estimated that in practice 40 percent of private-sector workers and 80 percent of public-sector workers earned minimum wage or higher. However, approximately 42 percent of the population earned less than minimum wage. Many employers violated provisions requiring overtime pay, particularly in the food service and agricultural industries, and reportedly in domestic service.

Credible data on workplace accidents were unavailable.

PERU

EXECUTIVE SUMMARY

Peru is a constitutional, multiparty republic. Ollanta Humala Tasso of the Peruvian Nationalist Party (part of the Gana Peru electoral alliance) won the June presidential run-off elections in a vote considered free and fair and assumed office on July 28. Security forces reported to civilian authorities.

The most serious human rights problems included violence against women and children, trafficking in persons, and government corruption.

The following human rights problems also were reported: killings by security forces of protesters during demonstrations, harsh prison conditions, abuse of detainees and inmates by prison security forces, lengthy pretrial detention and inordinate trial delays, intimidation of the media, incomplete registration of internally displaced persons, and discrimination against women. There also was discrimination against individuals with disabilities; members of racial and ethnic minority groups; indigenous persons; lesbian, gay, bisexual, and transgender persons; and persons

with HIV/AIDS. Other problems were a lack of labor law enforcement and the exploitation of child labor, particularly in informal sectors.

The government took steps to investigate and in some cases prosecute or otherwise punish public officials who committed abuses. Officials sometimes engaged in corrupt practices with impunity.

The terrorist organization Sendero Luminoso (Shining Path) was responsible for killings and other human rights abuses, including the recruitment of child soldiers, extortion, and intimidation.

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

a. Arbitrary or Unlawful Deprivation of Life.—The government or its agents did not commit any politically motivated killings; however, in episodes of societal unrest, security forces killed 12 protesters. The majority of these episodes were a result of socioenvironmental conflicts. In addition, one person died as a result of police abuse.

On April 24, Gerson Falla died after police officers detained him in Lima. The report of internal police investigators released on July 26 stated that Falla's death resulted from police abuse. Three police officers were retired, and a fourth was suspended for four months. On August 9, Attorney General Jose Pelaez stated that the director of the VII Police Region, Javier Sanguinetti, should be prosecuted for this crime. At year's end Sanguinetti's prosecution remained pending.

There were several deaths during social protests. For example, on April 27, two protesters in the province of Islay, Arequipa Region, died in a riot against the Tia Maria mining project when they apparently were shot by police officers trying to control the situation. On June 21 and 22, police reportedly killed three persons in the province of Tayacaja, Huancavelica Region, during a protest against the creation of a new university that demonstrators claimed would have diverted resources from the existing regional university. On June 25, in the city of Juliaca, Puno Region, six people died during an attempt by protesters to take over the Juliaca Airport as part of a protest against mining in the region. On December 2, in the southern Lima Region town of Canete, a protester died, apparently shot by police, during a demonstration against the expansion of the La Cantera jail. Investigations continued in all cases; at year's end no one had been charged.

In May a military police court convicted two police officials and one army official for their actions during the 2009 deadly clashes between police and indigenous protesters in and around Bagua, Amazonas Region. Peruvian National Police (PNP) General Luis Mugurza was sentenced to 36 months in prison (suspended and ordered to pay reparations of 10,000 New Soles (approximately $3,700). PNP General Javier Uribe received a 24-month sentence (suspended for one year) and was ordered to pay 7,000 New Soles ($2,600). Army General Raul Silva Alban received a 12-month sentence and a fine of 4,000 New Soles ($1,480).

On August 11, the Constitutional Tribunal rejected former president Alberto Fujimori's habeas corpus petition, thus confirming his 2009 sentence of 25 years' imprisonment for authorizing the mass killings at Barrios Altos and La Cantuta in 1991 and 1992, respectively.

Juan Manuel Rivera Rondon and Telmo Ricardo Hurtado Hurtado, implicated in the 1985 killings of 69 villagers during a military raid on the village of Accomarca, Ayacucho Region, remained in custody while on trial in the Third Supraprovincial Court. On July 14, Hurtado was extradited from the United States and at year's end remained in the Castro Castro Prison.

During the year members of two Shining Path factions conducted 74 terrorist acts (including armed actions and proselytism) in remote coca-growing areas that resulted in the killings of 14 soldiers in the Apurimac and Ene River Valleys (VRAE) emergency zone and five civilians in the emergency zone of the Upper Huallaga Valley (UHV). The two emergency zones were located in parts of Ayacucho, Cusco, Huancavelica, Huanuco, Junin, San Martin, and Ucayali regions. For the first time since 2003, there were no police casualties.

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. There were reports that security officials used excessive force, and authorities inconsistently punished those who committed such abuses.

Allegations of abuse most often arose immediately following an arrest, when families were prohibited from visiting suspects and when attorneys had limited access to detainees. In some cases police and security forces threatened or harassed victims, relatives, and witnesses to prevent them from filing charges of human rights violations. According to the nongovernmental Human Rights Commission

(COMISEDH), some victims were reluctant to pursue judicial proceedings for fear that members of the security forces involved in abuses would be released without being charged. COMISEDH reported that five cases of alleged aggravated torture, two of which ended in death, by security forces were reported to provincial prosecutors, while the Office of the Human Rights Ombudsman reported such 25 cases.

Prison and Detention Center Conditions.—Prison conditions were harsh for most of the country's inmates, who at year's end numbered 51,516, of whom 3,157 were women and 1,358 were juveniles ages 18-19. The National Penitentiary Institute (INPE) operated 43 of the active prisons, the PNP had jurisdiction over 14, and 13 were operated jointly. Prisoners with money had access to cell phones, illegal drugs, and meals prepared outside the prison; prisoners who lacked funds experienced much more difficult conditions. Overcrowding, poor sanitation, and inadequate nutrition and health care were serious problems. Inmates had intermittent access to potable water, bathing facilities were inadequate, kitchen facilities were unhygienic, and prisoners often slept in hallways and common areas for lack of cell space. There was basic medical care at most prisons, but there were complaints that inmates had to pay for medical attention. There was also a lack of doctors; only 63 doctors worked in the prisons, of whom 34 were based in the capital city area. Tuberculosis and HIV/AIDS reportedly remained at near-epidemic levels: the incidence of tuberculosis was 20 times higher than outside the prisons, while the HIV/AIDS rate was three times higher. The San Juan de Lurigancho men's prison held 6,334 prisoners in a facility designed for 3,204. INPE operated a high-security prison in the jungle area of Iquitos that was in poor condition and continued under renovation.

Prisons for women also were overcrowded and marked by conditions similar to those for men. In an INPE-operated facility for women opened in 2008, prisoners continued to complain about dormitory-style sleeping quarters.

Prison guards and fellow inmates reportedly abused prisoners. Guards received little or no training or supervision. There were killings in prisons attributed to fellow inmates.

Pretrial detainees were held temporarily in pretrial detention centers located at police stations, judiciary buildings, and the Palace of Justice, in most cases with convicted prisoners.

According to the Ombudsman's Office, overcrowding was partially relieved by the issuance of 1,181 presidential pardons between August 2010 and July 2011. Most of those pardoned were youths, sick inmates, or petty criminals.

The government permitted monitoring visits by independent human rights observers. During the year International Committee of the Red Cross (ICRC) officials made 42 unannounced visits to inmates in 17 prisons and detention centers and met with 593 persons in accordance with standard modalities. Ombudsman representatives also made regular visits to Lima and provincial prisons.

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 request investigation of credible allegations of inhumane conditions. Authorities investigated such complaints and documented the results in a publicly accessible manner. The ombudsman reported that most complaints stemmed from the failure of authorities to release inmates on time due to delays in the judicial process or INPE procedures and stated that the number of such complaints during the year diminished because of improved INPE recordkeeping. Human rights advocates maintained that the government failed to allocate the resources needed to monitor and improve prison conditions and criticized INPE leadership for lacking competence. The government took no steps to use alternatives to prison sentencing for nonviolent offenders.

On August 18, the new administration replaced the head of the INPE with penal expert Jose Luis Perez Guadalupe, who immediately made significant changes to the prison management system, including reinstating the system of appointments of inmate "delegates" to serve as liaison to the administration. This decision put Perez at odds with the leaders of the unofficial power structure that existed among inmates.

d. Arbitrary Arrest or Detention.—The constitution and laws prohibit arbitrary arrest and detention, and the government generally observed these prohibitions. However, isolated cases occurred, and the right to freedom from arrest without warrant was suspended in emergency zones, where police or military were in control of internal security. On December 4, the government decreed a 60-day state of emergency in four provinces of Cajamarca Region to quell protests against a mining project. The government lifted the state of emergency on December 15, after protesters removed roadblocks. On December 6, six members of the Cajamarca antimining coalition, including one prominent leader, claimed to have been improperly detained for

10 hours after participating in a congressional hearing in Lima. The police officers involved claimed the detainees had not provided proof of identity.

Role of the Police and Security Apparatus.—The PNP, with a force of approximately 100,000, is responsible for all areas of law enforcement and internal security except in the VRAE emergency zone, where the military is responsible for internal security. The PNP functioned under the authority of the Ministry of the Interior.

The armed forces, with approximately 115,000 personnel, are responsible for external security under the authority of the Ministry of Defense but also have limited domestic security responsibilities, particularly in the VRAE emergency zone.

Observers noted that the PNP was undermanned and its members lacked training and professionalism. According to an evaluation by the National Office for Civil Defense (INDEPI), cited in an Ombudsman's Office report issued during the year, more than half of police stations were considered "high risk" or insecure in the event of natural disasters or social unrest. There were reform initiatives underway to address these issues: Supreme Decree 002-2011-N, issued in February, provides funds for corrective renovation, and a Citizen Security Fund (created under Urgent Decree 052-2011, published in September) is to be used to acquire new equipment and repair existing equipment used against crime.

Corruption and a high rate of acquittals for military personnel accused of crimes remained problems (see section 4). The ministries of interior and defense employed internal mechanisms to investigate allegations of abuses by security forces. The Public Ministry conducted investigations, although access to evidence held by the Ministry of Defense was not always forthcoming. The Ombudsman's Office can also investigate cases but must refer any conclusions to the Public Ministry for follow-up.

The PNP is charged with witness protection responsibilities but lacked resources to provide officer training, conceal identities, or offer logistical support to witnesses. Officers often used their own homes to protect witnesses.

Arrest Procedures and Treatment While in Detention.—The law permits police to detain persons for investigative purposes. Outside of emergency zones, persons were apprehended openly. The law requires a written judicial warrant based on sufficient evidence for an arrest unless the perpetrator of a crime is apprehended in the act. Only judges may authorize detentions. Authorities are required to arraign arrested persons within 24 hours, except in cases of terrorism, drug trafficking, or espionage, for which arraignment must take place within 15 days; in remote areas arraignment must take place as soon as practicable. Military authorities must turn over persons they detain to the police within 24 hours. The law requires police to file a report with the Public Ministry within 24 hours after an arrest. The Public Ministry, in turn, must issue its own assessment of the legality of the police action in the arrest; authorities respected this requirement in practice.

The time between an arrest and an appearance before a judge averaged 20 hours. Judges have 24 hours to decide whether to release a suspect or continue detention. A functioning bail system exists, but many poor defendants lacked the means to post bail. By law detainees are allowed access to family members and a lawyer of their choice. Police may detain suspected terrorists incommunicado for 10 days. The Ministry of Justice provided indigent persons with access to an attorney at no cost, although these attorneys often were poorly trained. Several nongovernmental organizations (NGOs) provided training for attorneys.

Pretrial Detention.—Lengthy pretrial detention continued to be a problem. By October authorities had sentenced only 21,684 of the 51,516 persons held in detention facilities and prisons. According to INPE statistics, as of October approximately 58 percent of those in prison were awaiting trial, the majority for one to two years. Delays were due mainly to judicial inefficiency, corruption, and staff shortages. The law requires release of prisoners who have been held more than 18 months without being tried and sentenced; the period is extended to 36 months in complex cases. Under the new penal procedural code (see section 1.e., Trial Procedures), the terms are nine months for simple cases and 18 months for complex ones.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the government generally respected this provision in practice. NGOs and other analysts complained that the judiciary was politicized and corrupt (see section 4).

Trial Procedures.—The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right. The justice system is based on the Napoleonic Code. A prosecutor investigates cases and submits an opinion to a first-instance judge, who determines if sufficient evidence exists to open legal proceedings. A judge conducts an investigation, evaluates facts, determines guilt or innocence, and issues a sentence. All defendants are presumed innocent; they have

the right to be present at trial, call witnesses, and be represented by counsel. The Ministry of Justice provided indigent defendants with access to an attorney at no cost, although these attorneys often were poorly trained. Defendants and their attorneys generally had access to government-held evidence related to their cases for crimes, except in cases connected to human rights abuses during the period 1980-2000 and particularly with respect to those involving the Ministry of Defense. Although citizens have the right to be tried in their own language, language services for non-Spanish speakers, who compose a substantial number of persons in the highlands and Amazon regions, were sometimes unavailable. Defendants may appeal verdicts to a superior court and then to the Supreme Court. The Constitutional Tribunal decides cases involving such issues as habeas corpus.

The judicial branch continued the gradual rollout, begun in 2009, of a new penal procedural code designed to streamline the penal process. The new code, implemented in 17 of 31 judicial districts at year's end, requires public hearings for each case and assigns the investigative responsibility to public prosecutors and police; judges are to cease their own investigating. Implementation of the new code in Lima and Callao was planned for 2013; if implemented on schedule, at that point the code should apply to the majority of the country's population.

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

Regional Human Rights Court Decisions.—On March 4, the Inter-American Human Rights Court ruled against the government in favor of a labor organization. In its written decision, the court indicated it wanted a report on compliance one year hence.

Complying with a judgment of the Inter-American Human Rights Court, on December 13, the president of the Congress reinstated 257 congressional workers who had been dismissed when then president Fujimori suspended Congress in 1992.

Civil Judicial Procedures and Remedies.—Citizens may seek civil remedies for human rights violations, but court cases often continued for years. Press reports, NGOs, and other sources alleged that persons outside the judiciary frequently corrupted or influenced judges (see section 4).

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the government generally respected these prohibitions in practice. There were reports, however, that authorities sometimes entered private dwellings before obtaining a warrant; for example, the right to inviolability of the home was suspended in the UHV and VRAE emergency zones. On December 4, the president declared a 60-day state of emergency, lifted on December 15, that allowed arrests without warrants in four provinces of Cajamarca Region.

The government announced in October that the public prosecutor had reopened an investigation of a case presented by more than 2,000 women who claimed they were subjected to forced sterilizations in the 1990s during the presidency of Alberto Fujimori. Human rights organizations estimated that 300,000 women were subjected to forced sterilization during that period.

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. Generally an independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press. There were, however, instances of harassment and even extreme violence toward journalists, as well as self-censorship within media outlets.

Violence and Harassment.—During the year three broadcast journalists in the provinces were killed; each victim was investigating corruption cases involving local authorities. The victims were shot by unknown assailants who remained at large; two victims had received death threats. Investigations continued at year's end.

A number of journalists and media outlets reported experiencing threats or intimidation. The National Journalists Association reported 189 cases of harassment during the year, compared with 194 in 2010, and the Institute of Press and Society issued 121 alerts, compared with 85 in 2010. Of the harassment cases reported by the National Journalists Association, 76 involved harassment by civilian authorities and 23 by police and military personnel.

Censorship or Content Restrictions.—The presidential election campaigns brought alleged internal censorship by the media to the public's attention. Most major media outlets openly supported one of the two second-round candidates. Several prominent reporters and producers either resigned or were fired allegedly for refusing to follow reporting guidelines concerning their employer's favored candidate. In April cable television Channel N general producer Patricia Montero and newscast producer Jose

Jara claimed they were fired for reporting favorably on candidate Ollanta Humala Tasso. Lima daily newspaper Peru.21 reporters Oscar Miranda, Daniel Yovera, and Emilio Camacho and cartoonist Miguel Det resigned over the alleged favoritism shown to candidate Keiko Fujimori by the newspaper's director, Fritz Dubois. There were no claims of government interference in these instances.

Actions to Expand Press Freedom.—Libel continued to be criminalized in the penal code. Ucayali journalist Paul Segundo Garay was sentenced to three years in prison in April following conviction for the 2010 charge of libel of the Ucayali district attorney whom Garay had criticized for alleged corruption. Garay was freed on appeal after serving six months. Blogger Jose Godoy continued the appeal of his sentence of three years' imprisonment (commuted to three years of probation) and a fine of 337,500 New Soles ($125,000) for defamation of a former congressman in 2009 in Godoy's online news blog. Godoy was the first blogger convicted for defamation, a judgment that national journalist organizations criticized.

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 provides for the right of freedom of assembly, and the government generally respected this right in practice. The law does not require a permit for public demonstrations, but organizers must inform the Interior Ministry's political authority (prefect) about the type of demonstration planned and its intended location. However, the government suspended the freedom of assembly in emergency zones where armed elements of the Shining Path operated.

Demonstrations may be prohibited for reasons of public safety or health. Police used tear gas and occasional force to disperse protesters in various demonstrations. Although most demonstrations were peaceful, protests in some areas turned violent, resulting in deaths and injuries (see section 1.a.). On December 4, the government decreed a 60-day state of emergency in four provinces of Cajamarca Region restricting the right to assemble after days of strikes and roadblocks had interrupted daily activities, caused shortages in the region, and led to clashes between police and protesters in which dozens of people were injured. The state of emergency was lifted on December 15.

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.—The government maintained emergency zones where it restricted freedom of movement in several provinces, an effort it stated was to ensure public peace and restore internal order. In addition, as an antitrafficking measure, the government began requiring adults traveling with minors to show the minor's identity card before boarding a bus or plane.

Narcotics traffickers and Shining Path members at times interrupted the free movement of persons by establishing roadblocks in sections of the UHV and VRAE emergency zones.

Protesters in the Puno and Cajamarca regions and other areas blocked roads, sometimes for weeks, to draw public attention to grievances.

Internally Displaced Persons (IDPs).—There were no major incidents of internal displacement during the year, and the situation of existing internally displaced persons continued to be difficult to assess. According to the UNHCR, the number of IDPs remained unknown, because officials registered relatively few. The government's Reparations Council continued assisting persons who suffered during the 1980-2000 conflict with the Shining Path and MRTA. The council compiled a registry of victims, which included an estimated 137,300 individuals and 5,600 communities eligible for reparations. The Ministry of Women and Social Development (MIMDES) also maintained a registry specifically of IDPs that included approxi-

mately 5,000 individuals. A number of victims and family members lacking proper identity documents had difficulties registering for reparations. A supreme decree (051-2011-PCM) authorized phased payments of reparations to victims and stipulated that only victims registered by December 31, 2011, would be eligible. As of year's end, no money had actually been budgeted for reparations.

Protection of Refugees.—As of September the UNHCR reported 402 pending refugee requests and 1,157 refugees whom the government recognized.

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 government cooperated with the UNHCR and recognized the Catholic Migration Commission as the official provider of technical assistance to refugees. The commission also advised citizens who feared persecution and sought asylum abroad. The government provided protection to refugees on a renewable, year-to-year basis, in accordance with commission recommendations.

Durable Solutions.—There was no resettlement program, but the state received Colombians recognized as refugees in Ecuador, as well as Venezuelan and Cuban refugee applicants, and provided some administrative support toward their integration. The UNHCR provided such refugees with humanitarian and emergency aid, legal assistance, documentation, and in exceptional cases, voluntary return and family reunification.

Temporary Protection.—The government provided temporary protection to individuals who may not qualify as refugees, such as in the case of several Haitian citizens who were discovered waiting to cross the border with Brazil.

Stateless Persons.—Citizenship is derived either by birth within the country's territory or from one's parents. If overseas, parents must register their child's birth by age 18 for the child to obtain citizenship. The law provides all citizens with the right to a name, nationality, and legal recognition as well as other civil, political, economic, and social rights. An estimated 277,596 persons did not have birth certificates, and 4.7 million citizens (15.9 percent of the population) lacked identity documents and could not fully exercise these rights, making them de facto stateless. Poor indigenous women and children in rural areas were disproportionately represented among those lacking identity documents. Undocumented citizens faced social and political marginalization and barriers to accessing government services, including running for public office or holding title to land. Obtaining a national identity document requires a birth certificate, but many births in rural areas occurred at home. Poor women who gave birth at home often could not pay the fees associated with registration. In an effort to lower infant mortality rates, the Ministry of Health provided free registration for women who gave birth in clinics or hospitals.

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

The law provides for the right of citizens to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of mandatory voting and universal suffrage.

Elections and Political Participation.—Recent Elections.—On July 28, Ollanta Humala Tasso assumed the presidency after two rounds of elections that were considered free and fair. Domestic and international observers declared the nationwide elections held on April 10 (for president, Congress, and the Andean Parliament) and June 5 (a second round for the presidential race only) to be fair and transparent, despite some controversy over campaign financing and minor irregularities in some areas. In elections for the unicameral Congress, President Humala's Gana Peru alliance won 47 of 130 seats, which constituted the largest of six legislative blocs.

The June 5 presidential runoff was a contest between two controversial candidates. Ollanta Humala Tasso, the eventual winner, had been accused of human rights violations while serving in the military. His opponent, Keiko Fujimori, was the daughter of former president Alberto Fujimori, who was serving a prison sentence for human rights abuses and corruption. A number of civil society organizations, particularly human rights NGOs, became directly involved in the elections process by either campaigning against Keiko Fujimori or openly supporting Humala, forsaking their traditional role as nonpolitical observers.

Political Parties.—Political parties operated without restriction or outside interference, although they remained weak institutions dominated by individual personalities. In regional and municipal elections, regional movements continued to gain ground at the expense of national parties. Groups that advocate violent overthrow of the government are barred from participating in the political process.

Participation of Women and Minorities.—The law mandates that at least 30 percent of the candidates on party lists be women, and the parties complied. There were 28 women in the new Congress. Three members of Congress identified themselves as Afro-Peruvians. Three of 19 cabinet members were women. There were two women on the 18-member Supreme Court.

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 officials sometimes engaged in corrupt practices with impunity. There was a widespread perception that corruption was pervasive in all branches of government. The Office of the Comptroller General had independent authority to sanction public officials who committed corrupt acts; penalties included temporary suspension, termination of employment, and criminal prosecution.

Allegations of widespread corruption in the judicial system continued. The new penal procedural code (see section 1.a., Trial Procedures), while not yet implemented in Lima and Callao, was applied to corruption cases in these judicial districts, an indication of the importance given to such cases. For example, the new code was used in the case of Marco Antonio Guerra Castillo, a judicial technician who on January 25 was videotaped receiving a bribe in the Supreme Court building.

During their time in office, members of Congress cannot be prosecuted or arrested without congressional approval, except in the case of flagrant crimes, in which case the judicial branch must request that Congress allow their arrest. Congressional immunity does not apply in cases underway before the member was sworn in. It also does not protect members of Congress from nonpenal accusations, such as failure to fulfill contracts or pay child support. Fourteen members of Congress were under investigation for questionable activities ranging from falsifying their resumes (by including false degrees and omitting prior convictions) to involvement in illegal mining. Another prominent case involved the second vice president, also a member of Congress and accused of influence peddling.

Corruption in prisons was a serious problem, and in some cases guards cooperated with criminal bosses who oversaw the smuggling of guns and drugs into prisons. There were several reports of military corruption, impunity, and resistance to providing information on military personnel under investigation for human rights abuses committed during the country's internal armed conflict. Security forces sought to strengthen accountability with training in human rights and the revision of disciplinary procedures but were doing so slowly.

Authorities completed investigation of the Petroaudios scandal—involving corrupt oil concessions—at the end of 2010. However, the oral proceedings had not started at year's end. Former government minister Romulo Leon was released on December 2, after spending 36 months in jail without a sentence for his alleged involvement, and Perupetro official Alberto Quimper, also suspected of wrongdoing, remained under house arrest. In a related Petroaudios case, oral proceedings continued in the investigation of illegal wiretapping and mishandling of wiretapping evidence.

On August 31, the comptroller general reported to Congress that 10,659 public servants were involved in irregularities between January 2009 and July 2011, the end of the Alan Garcia administration. According to the report, 2,447 of these cases involved penal or civil infractions, while the remainder reflected simple mismanagement. Most of these cases were related to infrastructure projects (such as the reconstruction of the town of Pisco after the 2007 earthquake and the remodeling of the National Stadium and hospitals) or social programs (such as a program that provides construction materials). The government was reviewing the cases. On September 15, Congress approved the formation of a commission to investigate alleged corruption during the previous government. The commission began work on November 21.

On December 21, former vice minister of justice Gerardo Castro was convicted of offering bribes to a Ministry of Production official to obtain a commercial fishing license. Castro was sentenced to five years in jail.

Most public officials are subject to financial disclosure laws and must submit personal financial information to the Office of the Comptroller General prior to taking office and periodically thereafter. However, these laws were not strongly enforced.

The law provides for public access to government information, and most ministries and central offices provided information on Web sites. Implementation of the law was incomplete, particularly in rural areas, where few citizens exercised or understood their right to information. The ombudsman encouraged regional governments to adopt more-transparent practices for releasing information and monitored their compliance with the requirement for public hearings at least twice a year.

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

A large number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. NGOs seeking information from military commanders worked through the Office of the Human Rights Ombudsman.

The government relied on the ICRC to facilitate work among government entities and civil society on missing persons issues. The ICRC contributed to strengthening psychological and social support to missing persons' relatives and provided expertise to medical, legal, and forensic officials. The ICRC also addressed the humanitarian consequences of social violence by providing medical assistance, discussed the use of force with authorities and law enforcement, and maintained a permanent office in Ayacucho for the VRAE emergency zone.

Government Human Rights Bodies.—The Ministry of Justice was renamed the Ministry of Justice and Human Rights on December 5 when President Humala signed Law No. 29809. This law also created a Vice Ministry of Human Rights and Access to Justice.

The Office of the Human Rights Ombudsman operated its 28 offices and 10 satellite sites without government or party interference and was considered effective. During the year the ombudsman issued two reports with recommendations on intercultural/bilingual education and abandoned children. The government took account of these recommendations to varying degrees.

Congressional committees included the Justice and Human Rights Committee and a committee for Health, Population, Family, and Persons with Disabilities. They issued no reports and had limited policy impact.

The National Penal Court handed down two decisions on cases presented by the Truth and Reconciliation Commission. Hector Andres Egoechaga was sentenced to 14 years in prison for the murder of Indalecio Pomatanta in Pucallpa in 1995. The court found three others innocent and reserved sentencing on a fifth suspect, who was absent from the court. The case was challenged by the Public Ministry, which opposed the finding of innocence of the three suspects and alleged that Egoechaga's sentence was below the minimum recommended for his crime.

The court also ruled in the Pucayacu II case, sentencing Enrique de la Cruz Salcedo to 17 years in prison for the extrajudicial killing of seven persons in 1985. Another suspect in the case was found not guilty due to a mental illness he allegedly suffered at that time; a third suspect had fled, leading authorities to postpone his trial until his eventual capture.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, but enforcement lagged and discrimination persisted.

Women.—Rape and Domestic Violence.—The legal framework governing women's rights and protections is comprehensive and well defined. The application and enforcement of the law, however, was severely lacking. The law criminalizes rape, including spousal rape, with penalties of six to eight years in prison, but enforcement was ineffective. MIMDES reported 841 cases of rape nationwide for the year, but observers maintained that rape was underreported due to a fear of retribution, including further violence and stigma. There were no available statistics on abusers prosecuted, convicted, or punished.

The law prohibits domestic violence, and penalties range from one month to six years in prison. The law authorizes judges and prosecutors to prevent the convicted spouse or parent from returning to the family home and authorizes the victim's relatives and unrelated persons living in the home to file complaints of domestic violence. It also allows health professionals to document injuries. The law requires police investigation of domestic violence to take place within five days and obliges authorities to extend protection to female victims of domestic violence. During the year MIMDES reported that 35 men had been sentenced for crimes related to domestic violence.

Violence against women and girls, including rape, spousal abuse, and sexual, physical, and mental abuse, remained a serious problem. Insensitivity on the part of law enforcement and judicial authorities toward female victims contributed to a societal attitude of permissiveness toward abuse. MIMDES reported 77 femicides and 60 attempted killings of women during the year.

On December 26, a new law (008/2011-CR) that incorporates femicide into the criminal code went into effect. The law provides for a minimum sentence of 15 years'

imprisonment for those convicting of killing a woman who is an immediate relative, spouse, or partner.

Many domestic abuse cases went unreported, and NGOs stated that the majority of reported cases did not result in formal charges because of fear of retaliation or the expense of filing a complaint. The protections offered were limited because of legal delays and ambiguities in the law. Shelters for those affected by domestic violence were in short supply and did not adequately protect and support victims.

MIMDES operated the Women's Emergency Program, which included 139 centers that combined police, prosecutors, counselors, and public welfare agents to help victims of domestic abuse. It also sought to address the legal, psychological, social, and medical problems facing victims of domestic violence. The ministry also operated a toll-free hotline.

MIMDES continued efforts to sensitize government employees and the citizenry to domestic violence. The government continued to implement a broad national plan for 2009-15 to address violence in the family and against women. Nonetheless, NGOs and the ombudsman asserted that police officers reacted indifferently to charges of domestic violence, despite legal requirements to investigate such complaints.

Sexual Harassment.—Sexual harassment was a serious problem. The law defines sexual harassment not as a criminal offense but as a labor rights violation subject to administrative punishment, which depends on the professional situation in which the violation occurred. Government enforcement was minimally effective. The ability of women to report sexual harassment was hampered by the undue burden on the victims themselves to prove their cases and by the fear of retribution.

Reproductive Rights.—Couples and individuals have the right to decide the number, spacing, and timing of their children free from discrimination, and they generally had the means and information to do so. Access to information on contraception and family planning was widespread.

Discrimination.—The law provides for equality between men and women and prohibits discrimination against women with regard to marriage, divorce, and property rights. Women from the upper and upper-middle classes assumed leadership roles in companies and government agencies. The law prohibits sexual discrimination in employment or educational advertisements and the arbitrary dismissal of pregnant women, but in practice discrimination continued. The law stipulates that women should receive equal pay for equal work, but women often were paid less than men for comparable work. Societal prejudice and discrimination also led to disproportionate poverty and unemployment rates for women. Women were more likely to work in the informal sector or in less secure occupations such as maids, factory workers, or street vendors, and they were more likely to be illiterate due to lack of formal education.

Children.—Birth Registration.—Citizenship is derived either by birth within the country's territory or from one's parents. There were problems with government registration of births (see section 2.d.). Failure to register made it more difficult to obtain public services, such as education and health care.

Education.—The constitution stipulates that primary and secondary education is free. However, citizens and NGOs asserted that neither was completely free in practice, and fees for parental associations, administration, and educational materials greatly reduced access for lower-income families.

Child Abuse.—Violence against and sexual abuse of children were serious problems. As of November MIMDES reported 1,551 cases of violence against or sexual abuse of children five years of age and younger and 3,882 cases of abuse of children ages six to 11. Many abuse cases went unreported because societal norms viewed such abuse as a family problem to be resolved privately.

MIMDES' Women's Emergency Program received information through child-rights and welfare-protection offices and assisted child victims of violence. The MIMDES Children's Bureau coordinated government policies and programs for children and adolescents. At the grassroots level, more than 2,175 child-rights and welfare-protection offices resolved complaints ranging from physical and sexual abuse of children to abandonment and failure to pay child support. Provincial or district governments operated approximately half of these offices, while schools, churches, and NGOs ran the others. Law students staffed most of the units, particularly in rural districts. When these offices could not resolve disputes, officials usually referred cases to the Public Ministry's local prosecutor offices, whose adjudications were legally binding and had the same force as court judgments.

Sexual Exploitation of Children.—The law prohibits child prostitution, penalizing perpetrators with five to 12 years in prison. There were many known cases of pros-

titution of minors, and the country was a destination for child sex tourism, with Lima, Cusco, and Iquitos as the principal locations. Involvement in child sex tourism is punishable by four to 10 years in prison. The Foreign Trade and Tourism Ministry disseminated information about the problem.

The minimum age for consensual sex is 18. Statutory rape law stipulates different rape offenses, including rape of a minor younger than 14, with penalties ranging from 25 years to life in prison. The penalty for conviction of involvement in child pornography is four to 12 years' imprisonment and a fine.

Child Soldiers.—The minimum age for recruitment is 18. The country's military, no longer a conscripted force, bars the enlistment of minors, even those who obtain their parents' permission. The Human Rights Ombudsman's Office reported 18 cases in which the army admitted underage soldiers, generally recruits who misrepresented their age, a marked decrease from the 150 cases reported in 2009. However, there were no reports of persons under 18 taking part in hostilities as part of a governmental armed force.

There also were cases of both forced and voluntary use of minors by the outlawed Shining Path organization. Reports persisted that the Shining Path used children in both combat and drug-trafficking activities. It appeared some of these children had been kidnapped from local towns, while others apparently were children of Shining Path members.

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

International Child Abductions.—The country is 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.—Estimates of the Jewish population ranged from 2,500 to 4,000 persons. 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 disabilities and establishes infractions and sanctions for noncompliance with specified norms. The constitution addresses social security, health, education, and employment matters for persons with disabilities as well as their right to engage in business, trade, and industry. The law provides for the protection, care, rehabilitation, security, and social inclusion of persons with disabilities; mandates that public spaces be free of barriers and accessible to persons with disabilities; and provides for the appointment of a disability rights specialist in the Ombudsman's Office. In addition the law mandates that Internet sites maintained by governmental, institutional, and other service providers be accessible to persons with disabilities and requires accessibility through the inclusion of sign language or subtitles in all educational and cultural programs on public television and in media alternatives in all public libraries.

In practice the government devoted limited resources to enforcement and training, and many persons with physical disabilities remained economically and socially marginalized. Governments at the national, regional, and local levels made little effort to provide access to public buildings. There were no interpreters for the deaf in government offices and no access to recordings or Braille for the blind. The majority of government Web sites remained inaccessible to persons with disabilities, and only the congressional television channel offered sign language interpretation.

The government failed to enforce laws safeguarding and attending to persons with mental disabilities in situations of social abandonment. The number of medical personnel providing services in psychiatric institutions was insufficient to care for all patients.

The Anne Sullivan Center for Persons with Disabilities reported cases of people who were denied the right to vote in the national elections during the year. One egregious case involved an individual who received training from elections officials on voting procedures but was subsequently labeled "disabled" and involuntarily removed from the voter registry.

A human rights ombudsman report published in December stated that many children with disabilities were unable to attend public schools due to lack of physical access. Nearly half of the country's public schools had no entrance ramps, and 88 percent lacked restrooms usable by persons with disabilities. Relatively few teachers (39 percent) had received any training in inclusive education.

*National/Racial/Ethnic Minorities.*The law provides all citizens equality before the law and forbids discrimination on the basis of race, national origin, or language.

In actuality, however, persons of African (Afro-Peruvian) descent faced societal discrimination and prejudice. Despite constituting a large minority, Afro-Peruvians generally did not hold leadership positions in government, business, or the military, with the exception of the nation's first female Afro-Peruvian cabinet member. Few Afro-Peruvians served as officers in the navy or air force.

In February the Ombudsman's Office published a report on the Afro-Peruvian community that cited structural discrimination and social exclusion as key barriers to integration into society and stated that Afro-Peruvians had particular difficulty accessing health and education services. NGOs alleged that employers often found ways to refuse to hire Afro-Peruvians or relegated them to low-paying service positions. The law prohibits the mention of race in job advertisements, although employers often required applicants to submit photographs.

Indigenous People.—The government did not provide sufficient resources to protect effectively the civil and political rights of indigenous persons, and indigenous communities continued to be politically, economically, and socially marginalized.

The constitution and law provide that all citizens have the right to use their own language before any authority by means of an interpreter and to speak their native language. Spanish and Quechua are official languages, but the government also recognizes 49 other indigenous languages. The National Program of Mobilization for Literacy continued teaching basic literacy and mathematics to poor men and women throughout the country. However, language barriers and inadequate infrastructure in indigenous communities impeded the full participation of indigenous persons in the political process. Indigenous women, especially from poor and rural areas, were particularly marginalized.

Many indigenous persons lacked identity documents. In many cases there were no government offices in the areas where they lived; in some instances government officials allegedly sought bribes in exchange for documents, which indigenous persons were unable or unwilling to pay. Without identity cards they were unable to exercise basic rights, such as voting and gaining access to health services and education. The infant mortality rate was higher in rural areas, where most indigenous persons lived (13 deaths per 1,000 live births, although as high as 21 in some regions), compared with the rate in urban areas (10 deaths per 1,000 live births), a difference mainly related to the economic situation and low education of indigenous persons. Public health centers were located primarily in urban areas, but during the year the government further expanded them to rural areas and incorporated roving teams.

While the constitution recognizes that indigenous persons have the right to own land communally, indigenous groups often lacked legal title to demarcate the boundaries of their lands, making it difficult to resist encroachment by outsiders. By law local communities retain the right of unassignability, which should prevent the reassignment of indigenous land titles to nonindigenous tenants. However, some indigenous community members sold land to outsiders without the majority consent of their community. Moreover, in the absence of an effective representative institution, there were continuing societal conflicts between indigenous and nonindigenous persons, particularly concerning environmental issues and extractive industries. Additionally, mineral or other subsoil rights belong to the state, which often caused conflict between mining interests and indigenous communities.

The government conducted a series of consultations with indigenous communities to formulate a new forestry law, which Congress passed on June 15. The law establishes greater protections for the populations in the Amazon forest and mandates sustainable use of natural resources. In addition, on August 23, the new government approved the Law of Prior Consultation, which requires the government to conduct consultations with indigenous communities before granting exploration permits or concessions to extractive industries. While this law was expected to reduce the number of social conflicts, several outstanding issues remained before it could be fully implemented.

Many indigenous persons and others with indigenous physical features faced societal discrimination and prejudice. They were often the victims of derogatory comments and subjected to illegal discrimination in public places, including theaters, restaurants, and clubs.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—There are no laws specifically prohibiting discrimination against persons based on sexual orientation, and such discrimination occurred. The Ministry of Interior's Handbook of Human Rights Applied to the Civil Police stipulates that police must respect human rights, especially of the most vulnerable groups, and refers explicitly to the rights of lesbian, gay, and transgender individuals. However, there were some instances during the year of official and societal dis-

crimination based on sexual orientation in employment, housing, and access to education or health care. Government authorities, including police, sometimes harassed and abused lesbian, gay, bisexual, and transgender persons.

Other Societal Violence or Discrimination.—Persons with HIV/AIDS faced extensive discrimination and harassment. The Ministry of Health executed policies to combat discrimination based on HIV/AIDS status, including a four-year plan to prevent and control HIV/AIDS. Some of these policies enjoyed success, such as the treatment of HIV/AIDS, but observers maintained that education and prevention programs needed strengthening.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—With certain limitations, labor laws and regulations provide for freedom of association, protect the right to strike and bargain collectively, and prohibit antiunion discrimination and other forms of employer intimidation. Regulations allow workers to form unions on the basis of their occupation, employer affiliation, or geographic territory, without seeking prior authorization. However, the minimum membership required by law to form a union, 20 employees for a workplace-level union and 50 employees for a sector-wide union, is prohibitively high in some instances, particularly for small and medium-sized enterprises. The law also specifies that public- and private sector workers have the right to organize, bargain collectively, and strike, but it stipulates that the right to strike must be "in harmony with broader social objectives."

Judges, prosecutors, and members of the police and military are not permitted to form or join unions. With the passage of Supreme Decree 065-2011 in July, there were advances to the rights to form unions and strike of more than 125,000 other public sector employees hired under administrative service contracts. The decree provides stronger guarantees of the right to unionize but does not address the concern that workers may not exercise their rights for fear of nonrenewal of their contract. The decree does not fundamentally change the nature of an administrative service contract, which is fixed term and renewable at the government agency's discretion.

The law allows unions to declare a strike in accordance with their statutes. Private- and public sector union workers must give advance notice of a strike—at least five working days for private sector workers and 10 for the public sector—to employers and the Ministry of Labor. The law also allows nonunion workers to declare a strike with a majority vote as long as the written voting record is notarized and announced at least five working days prior to a strike.

Unions in essential public services, as determined by the government, are permitted to call a strike but must provide 10 working days' notice, receive the approval of the Ministry of Labor, be approved by a majority (50 percent) of workers, and provide a sufficient number of workers during a strike to maintain operations, as jointly determined by the union and labor authorities on an annual basis. Workers who strike legally cannot be fired for striking, but illegal strikers in the private sector can be fired on the fourth day of absenteeism and public sector strikers after an administrative procedure.

Unless there is a preexisting labor contract covering an occupation or industry as a whole, unions must negotiate with companies individually. The law establishes processes for direct negotiations and conciliation. If those fail the workers can declare a strike or request arbitration. On September 17, the ministry issued Supreme Decree No. 014-2011-TR, which more specifically outlines the process that authorizes the use of arbitration to end collective labor disputes. The decree gives a party the ability to compel the other party to submit to arbitration (whether worker- or employer-initiated) binding on employers whenever either the parties cannot reach an agreement in their first collective bargaining negotiation, or a party acts in bad faith during collective bargaining by delaying, hindering, or avoiding an agreement. If the parties disagree over whether or not a prerequisite for binding arbitration has been met, the law also allows a party to submit the matter to independent, nongovernmental arbitrators for an initial decision. A provision from Law 29497 requires labor conflicts to be resolved in less than six months.

The law prohibits employers from refusing to hire an individual because of union membership and also prohibits other forms of antiunion discrimination. Workers fired for union activity have the right to reinstatement. However, the law allows companies to fire employees without justification if they offer severance pay as fixed by law. The law forbids businesses from hiring temporary workers to perform core company functions, requires businesses to monitor their contractors with respect to labor rights, and imposes liability on businesses for the actions of their contractors.

The government did not effectively enforce the law in all cases, and employers engaged in antiunion practices. The practice of subcontracting allowed employers to avoid direct employment relationships and the associated legal requirements. This also limited the size of the company workforce, thus making it more difficult to form a union. Law 29245 and its progeny tighten the legal requirements for subcontracting companies and, if those requirements are not met, impose upon the principal company a direct employment relationship with subcontracted workers. Nevertheless, anecdotal evidence suggested that the practical effect of the law was limited by its implementing regulations and the difficulties of labor inspections to detect outsourcing in the regions outside of Lima.

Employers continued to dismiss workers for exercising the right to strike. Dismissal of striking workers and delays in reinstatement of these workers, in both legal and illegal strikes, were the main repercussions that employers utilized to dissuade workers from going on strike. Workers faced prolonged judicial processes and lack of enforcement following strike-related dismissals. A local NGO reported that administrative issues at the Labor Ministry effectively negated a decree providing stronger protections for individuals hired under administrative services contracts who planned to unionize.

Labor conflicts were not always resolved within six months as required by law. Significant delays in the collective bargaining process due to employers' lack of interest in concluding agreements proved to be a common obstacle to compliance with worker rights to bargain collectively. The national tax agency union (SINAUT) alleged that the government failed to uphold unions' right to collective bargaining and denied workers' requests to enter into arbitration after the government-employer and workers failed to agree on wages and other issues during earlier negotiations. The government noted that the public sector budget law forbids it from negotiating economic matters. Discussions on the collective bargaining and arbitration process continued at year's end.

Unions were generally independent of government and political parties. According to labor leaders, permission to strike in both the private and public sectors was in some cases difficult to obtain. During the year the government declared 19 of 84 strikes legal. The Ministry of Labor justified its decisions to deem strikes illegal by citing union failure to fulfill the legal requirements. The International Trade Union Confederation noted that the law effectively legalizes unfair dismissals by allowing employers to fire workers without cause in return for severance pay.

Many businesses hired temporary or contract workers who were effectively barred from participating in those firms' unions due to fear that their contracts might not be renewed. Employers also circumvented restrictions regarding hiring temporary workers to perform core company functions in a number of ways. For example, the Peruvian Mineworkers Federation (FNTMMSP) attributed the nonrenewal of the contracts of seven drivers employed by the subcontractor MAMUT Peru to their union membership. There were two favorable court decisions, but at year's end the workers were awaiting their reinstatement. Subcontracting was used to limit workers' right to organize and prevent the formation of formal employment relationships. The widespread use of subcontracting also made it more difficult to reach the 20-employee threshold necessary to form a union.

During the year the Textile Workers Union Federation (FTTP) reported violations of the Non-Traditional Export Regimen (Decree Law No. 22342-1978) in apparel manufacturing. In one example, on July 27, a judge from the Lima Constitutional Court No. 4 found that Texpop, S.A. failed to renew the contracts of 129 unionized workers, including two union leaders, in an action of antiunion discrimination. The judge found that many of these employees had been working for Texpop for up to a decade on short-term contracts. Notably, the judge also stated that the decree and its "exceptional" short-term contracting scheme were no longer necessary to support the growth of the country's textile and apparel sector. Texpop had not complied with the court's decision to reinstate the workers by year's end.

Regulations had the effect of limiting the associational rights of workers in "non-traditional" export sectors (fishing, wood and paper, nonmetallic minerals, jewelry, textile, and agro industry). For example, Legislative Decree No. 728-1997 sets out nine different categories of employment contracts under which workers can be hired. Another decree allows employers to hire workers on a series of short-term contracts without requiring that the workers be made permanent. Workers thus reportedly feared loss of their jobs if they unionized.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, but there was evidence that the government did not effectively enforce the law. Thousands of persons were estimated to be subjected to conditions of forced labor, mainly in mining, logging, agriculture, brick making, and domestic service. While information on victims was lacking, it was believed that men and

boys were subjected to forced labor in mining (including gold mining), logging, and brick making, while women were most often found in domestic service. Both men and women were often found performing forced labor in agriculture, including the processing of Brazil nuts.

A multisectoral intervention took place in May in the Lima District of Carabayllo, where children were found working in informal mining. At that time no arrests were made; instead, the families were sensitized to the dangers and legal implications of child labor. A follow-up raid in December found 13 children working, and inspectors fined the employers.

According to media reports, a specialized division of the national police conducted more than 80 operations, in which they found at least 850 children subjected to forced labor, such as begging on the streets and selling candies, and detained 30 persons for exploiting minors. Local NGO CHS Alternativo stated that in the first half of the year, 98 cases of exploitative child labor were reported.

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 legal minimum age for employment is 14. However, children between the ages of 12 and 14 may work in certain jobs for up to four hours per day, and adolescents between 15 and 17 may work up to six hours per day if they obtain special permission from the Ministry of Labor and certify that they are attending school. In certain sectors of the economy, higher age minimums were in force: age 15 in industry, commerce, and mining; and age 16 in fishing.

The Ministry of Labor may issue permits authorizing persons under age 18 to work legally. During the year the ministry granted 1,111 such permits to individuals ages 14 to 17. Parents must apply for the permits, and employers must have a permit on file to hire a youth.

The law specifically prohibits a number of occupations considered hazardous for children, including working underground, lifting or carrying heavy weights, accepting responsibility for the safety of others, and working at night. The law prohibits work that jeopardizes the health of children and adolescents; puts their physical, mental, and emotional development at risk; or prevents regular attendance at school.

The Ministry of Labor is responsible for enforcing child labor laws. The ministry stated that inspectors conducted routine visits without notice to areas where persons or organizations reported child labor problems. The government reported that it fined and suspended operations of firms that violated labor laws. From January through October, authorities fined 48 businesses 132,372 New Soles ($50,000) for hiring 64 minors illegally or for not seeking the proper authorization.

The Office of the Ombudsman for Children and Adolescents (DEMUNA) worked with the Ministry of Labor to document complaints regarding violations of child labor laws. There were more than 2,175 DEMUNA offices in municipalities throughout the country. DEMUNA also operated a decentralized child labor reporting and tracking system. MIMDES administered a program that sent specialized teachers to the streets to provide education and support to minors involved in begging and other kinds of work. MIMDES also continued to implement the Educadores de Calle program, a social program that assists street children between the ages of six and 17 with workshops and health, education, and legal services. The ministry continued and instituted several programs aimed at stimulating job creation and improving access to legal work for youth, including the ProCerti and ProJoven programs to educate youth regarding, respectively, their rights to work and training in a variety of employable skills. The new administration transformed these programs into the Vamos Peru program, focused on job training, technical assistance to entrepreneurs, and job placement; and the Peru Responsable program, aimed at fostering corporate social responsibility to create formal employment for youth.

Child labor remained a serious problem, especially in the informal sector. In 2010 the International Labor Organization estimated there were 2.8 million working children in the country, with 67.9 percent (1.9 million) performing the worst forms of child labor. Child labor was a serious problem in the informal sectors of gold mining, brick and fireworks manufacturing, stone extraction, timber, and agriculture, including the production of Brazil nuts and coca. According to media reports, children worked in hazardous conditions, including approximately 141,000 on the streets, 101,000 at night, and 87,000 with trash. In many cases the child worked alongside the parents in a family business, usually in areas and sectors cited above. In February there were media reports of children being exploited by local residents and parents near the northern frontier and forced into various forms of work, including street vending, begging, and bartending, as well as drug production and prostitution in Ecuador.

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 statutory monthly minimum wage was increased in August from 600 New Soles ($220) to 675 New Soles ($250). The government estimated the poverty line to be approximately 257 New Soles ($95) a month per person, although it varied by region. The law provides for a 48-hour workweek and one day of rest and requires companies to pay overtime for more than eight hours of work per day and additional compensation for work at night. There is no prohibition on excessive compulsory overtime. Noncompliance with the law is a punishable infraction.

The 2003 Domestic Workers' Act stipulates certain rights and benefits to which adult domestic workers are entitled, such as an eight-hour working day, no work on public holidays, 15 days of paid annual vacation, and salary bonuses in July and December. A 2009 decree prohibits discrimination against domestic workers and any requirement by employers for their domestic workers to wear uniforms in public places. Several violations of both provisions were reported during the year.

On August 25, the president and the minister of labor signed the Law on Workplace Health and Safety (Law No. 29783), which creates for the first time a National System for Health and Safety in the Workplace and places oversight with the ministry instead of the separate sectors. Regional councils and a National Council on Health and Security also were created, although they were not operational at year's end. The latter body incorporates the participation of employers and workers, including unions, who traditionally had no voice on these matters. The law also provides for heavier fines and criminal sanctions for violations. In cases of infractions, injury, or deaths of workers or subcontractors, the penalty is five to 10 years' imprisonment.

The Ministry of Labor enforced the minimum wage only in the formal sector. Many workers in the unregulated informal sector, approximately 60 percent of the total labor force, most of whom were self-employed, received less. Labor, businesses, and the government reported that the majority of companies in the formal sector generally complied with the law. The government often did not devote sufficient personnel, technical, and financial resources to enforce occupational safety and health regulations and other labor laws. There were 420 labor inspectors focused on the formal sector. Labor sources claimed that many inspectors were forced to pay for transportation to sites and often were harassed or refused entry by businesses. The labor inspector union SI-Peru demanded an increase in wages among other demands and requested that the ministry enter arbitration. Many fines went uncollected, in part because the ministry lacked an efficient tracking system and at times due to a lack of political will, according to a local labor NGO. According to the ministry, through November its inspectors conducted 28,252 visits generated by external complaints and 20,141 visits to worksites selected internally. In the first 11 months of the year, the ministry levied approximately 23.2 million New Soles ($8.6 million) in fines on 3,385 companies for failure to place employees on labor rolls and for health and safety violations. Penalties were insufficient to deter violations.

Employers frequently required long hours from domestic workers and paid low wages. Allegations of abuse of subcontracted workers in the areas of wage and hour violations and associational rights continued to be reported. A local NGO reported that particularly problematic were gasoline stations, where workers frequently worked more than eight hours and in some cases were not paid overtime for extra hours.

During the year the Ministry of Labor and several unions continued a campaign to inform domestic workers of their rights. The National Federation of Mineworkers reported that in the first eight months of the year, 38 miners died in mining accidents in the formal mining sector, mainly as a result of rockslides, falls, and asphyxiation. In cases of industrial accidents, an agreement between the employer and worker usually determined compensation. A worker does not need to prove an employer's culpability to obtain compensation for work-related injuries. According to the ministry, there were 4,877 reported accidents, of which 1,696 were not serious, 3,036 were incapacitating, and 145 were fatal. The law does not provide workers the right to remove themselves from potentially dangerous situations without jeopardizing employment.

SAINT KITTS AND NEVIS

EXECUTIVE SUMMARY

Saint Kitts and Nevis is a multiparty, parliamentary democracy and federation. In January 2010 national elections, Prime Minister Denzil Douglas's Saint Kitts and Nevis Labour Party (SKNLP) won six seats in the 11-seat legislature. Independent observers concluded that the election had no major irregularities and was generally free and fair but called for electoral reform. The constitution provides the smaller island of Nevis considerable self-government under a premier. In July voters in Nevis reelected Joseph Parry of the Nevis Reformation Party as premier. Security forces reported to civilian authorities.

The most serious human rights problems were poor prison conditions and discrimination and violence against women.

Other human rights problems included the mental, physical, and sexual abuse of children and discrimination against the homosexual community.

The government took steps to prosecute and convict officials who committed abuses, but some cases remained unresolved. There was not a widespread perception of impunity for security force members.

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices, and there were no reports that government officials employed them. However, due to regular reports of violent incidents involving police, law enforcement officials came under increased scrutiny, and some citizens were afraid to report crime because of the heavy-handedness with which police carried out their duties. Corporal punishment is legal and an accepted measure for juveniles in schools and the justice system. A court can order that an accused person receive lashes if found guilty.

In February a 16-year-old girl accused two members of the Defense Force of rape. Authorities brought charges against the two men and set a trial date for January 2012. In November authorities arrested a police officer and charged him with the rape of a 14-year-old girl while she and her brother were being held in custody. That officer awaited trial at year's end.

Prison and Detention Center Conditions.—Prisons remained overcrowded and facilities austere. Built in 1840, the prison on St. Kitts had an intended capacity of 182 prisoners but held 298; some prisoners slept on mats on the floor, but all prisoners had access to potable water. A prison farm in Nevis had an intended capacity of 30 prisoners but held 47. Pretrial detainees occasionally were held together with convicted prisoners.

There were four female inmates and eight juveniles in prison in St. Kitts. Female inmates, including juveniles, were held in separate quarters. Authorities held male juveniles with adult prisoners due to a lack of space.

Prisoners and detainees had reasonable access to visitors, were permitted religious observances, and had reasonable access to complaint mechanisms and the ability to request inquiry into conditions. The government investigated and monitored prison conditions, and the prison staff periodically received training in human rights.

The government permitted prison visits by independent human rights observers, although no such visits were known to have occurred during the year.

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

Role of the Police and Security Apparatus.—The security forces consist of a police force, including a paramilitary Special Services Unit, a drug unit, and a white-collar crimes unit, along with a coast guard and a small defense force. The governor general can authorize the defense force to patrol jointly with the police for periods up to six months, which he did in October to help combat youth gang violence. The military and the police report to the Anti-Crime Unit, which is under the prime minister's jurisdiction.

Senior police officers investigated complaints against members of the police force. When warranted, they refer them to an internal disciplinary tribunal for adjudication; penalties include dismissal, warnings, or other administrative action. During the year authorities investigated approximately 73 cases of complaints against police officers and internal disciplinary matters. Of those cases, 20 were under inquiry

at year's end, while 32 were resolved by mediation, 13 were prosecuted, eight were convicted, and the others were withdrawn.

Arrest Procedures and Treatment While in Detention.—Police may arrest a person based on the suspicion of criminal activity without a warrant. The law requires that persons detained be charged within 48 hours or be released. If charged, a detainee must be brought before a court within 72 hours. There is a functioning system of bail. Family members, attorneys, and clergy were permitted to visit detainees regularly.

Detainees may be held for a maximum of seven days awaiting a bail hearing. Those accused of serious offenses are remanded to custody to await trial, while those accused of minor infractions are released on their own recognizance.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the government generally respected this provision in practice.

Trial Procedures.—The constitution provides for a fair, speedy, and public trial, and these requirements generally were observed. Defendants have the right to be present and to consult with counsel in a timely manner. There is a presumption of innocence, and defendants may question or confront witnesses. Juries are used at the High Court level for criminal matters only. Free legal assistance was available for indigent defendants in capital cases only.

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

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary for civil matters, including lawsuits regarding alleged civil rights violations.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such practices, and the government generally respected these prohibitions in practice. However, the defense force can carry out stop and search operations without a warrant.

The Interception of Communications Bill became law during the year, legalizing the interception of all telecommunications networks, including telephones and Internet transmissions. In response to public criticism, the government asserted the legislation would be used only to intercept criminal activities, pointing out that only a High Court judge can issue an interception order.

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, during the 2010 federal elections, the opposition party claimed that government-controlled media unfairly favored the ruling party.

Internet Freedom.—There were no government restrictions on access to the Internet, but the new law allows the government to monitor e-mail and 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 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 was prepared to cooperate with other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. There was an honorary UNHCR liaison in the country.

Protection of Refugees.—Access to Asylum.—The government has not signed the 1967 protocol to the 1951 Convention relating to the Status of Refugees. The government has not established a system for providing protection to refugees, and it did not routinely grant refugee status or asylum.

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

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Voters elect 11 members of the National Assembly, and the governor general appoints a three-person Senate, two on recommendation of the prime minister and one on the recommendation of the opposition leader.

Elections and Political Participation.—Recent elections.—In the 2010 general elections, Prime Minister Denzil Douglas's SKNLP returned to office after winning six of eight Saint Kitts-assigned seats in the 14-seat National Assembly. The People's Action Movement (PAM) party won two seats. The Concerned Citizens Movement party won two of the three assembly seats assigned to Nevis. (Appointed senators held the remaining three seats.) International observers from the Commonwealth, the Caribbean Community, and the Organization of American States (OAS) concluded that the elections were generally free and fair but issued a number of recommendations for future elections.

The island of Nevis exercises considerable self-government, with its own premier and legislature and has the right to secede from the federation in accordance with certain enumerated procedures. In July Nevis held its local elections in which Joseph Parry was reelected as premier. OAS observers concluded that the elections were generally free and fair but noted the process could have been improved, reiterating its recommendations from the 2010 federal elections. Recommendations included improving and clarifying procedures for the conformation of the voter's registration list, revising and updating the electoral legal framework for overseas voters, increasing stakeholder engagement in the electoral process, and creating a voter information campaign to ensure voter confidence in the electoral process. The Caribbean Community Observer Mission report also noted irregularities with the voters' list, such as voters' names being removed and voters with voting cards being turned away at the polls because their names were not on the list. This report concluded that in one district "where from the observation it appeared that more electors were removed from the original voters' list than constituted the slim majority of the winning candidate, it is arguable that were these electors not removed the result might have been different." Due to the irregularities, the opposition party contested the election results, and a hearing date was scheduled for January 2012.

Participation of Women and Minorities.—There was one woman in parliament—a cabinet minister. All four magistrates were women—three in St. Kitts and one in Nevis. In Nevis the appointed president of the House of Assembly was a woman.

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 media reports of government corruption during the year. The opposition PAM party continued to allege possible misconduct on the part of government officials.

Public officials are not subject to financial disclosure laws, and there is no agency responsible for combating government corruption. The Financial Intelligence Unit investigates reports on suspicious financial transactions, along with the police white-collar crime unit.

While no laws provide for public access to government information, the government maintained a Web site, aired briefings of weekly cabinet meetings on radio and parliament meetings by television and radio.

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

There were no governmental restrictions on human rights groups, and there were several organizations that worked with marginalized groups such as women, children, the mentally challenged, the elderly, and the disabled.

Government Human Rights Bodies.—The Ministry of Health maintained a human rights desk to monitor discrimination and other human rights abuses.

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

The constitution prohibits discrimination based on race, place of origin, birth out of wedlock, political opinion or affiliation, color, gender, or creed, and the government generally respected these prohibitions in practice.

Women.—Rape and Domestic Violence.—Anecdotal evidence suggested rape was a serious and pervasive problem in society but was not frequently reported due to victims' fear of stigma, retribution, or further violence. The law prohibits rape, but it

does not address spousal rape. Penalties for rape range from two years' imprisonment for incest between minors to life imprisonment for statutory rape or incest with someone under 16. Indecent assault has a maximum penalty of seven years' imprisonment. There were 19 cases of rape and 21 cases of indecent assault reported during the year. There were some prosecutions for rape during the year, but no information was available about outcomes.

Violence against women was also a serious and pervasive problem. The law criminalizes domestic violence, including emotional abuse, and provides penalties of up to EC$13,500 ($5,000) or six months in prison. Although many women were reluctant to file complaints or pursue them in the courts, the Ministry of Gender Affairs handled 197 cases of domestic abuse during the year. Authorities sent 78 cases to trial, obtained 51 convictions, and had the remainder under investigation or pending at year's end.

The ministry offered counseling for victims of abuse and conducted training on domestic and gender violence for officials in the police and fire departments, nurses, school guidance counselors, and other government employees. The ministry also worked with men's organizations to conduct training focused on sexual violence and conducted training in the prisons targeted towards those who battered women. The ministry maintained a hotline for domestic violence victims and worked through the churches, workplaces, radio programs, and other civil society groups to spread its campaign against sexual violence.

Sexual Harassment.—The law does not specifically address sexual harassment, and it remained a problem. Complainants reported only two cases to the Ministry of Gender Affairs in 2010.

Reproductive Rights.—Reproductive rights were generally protected; couples and individuals had the right to decide the number, spacing, and timing of children. The National Family Planning Office provided information on contraception and support for reproductive rights on a nondiscriminatory basis. Skilled attendance at delivery and in postpartum care was widely available. A 2008 report by the U.N. Children's Fund indicated that skilled attendance at birth was 100 percent and estimated the contraceptive prevalence rate at 54 percent. Incidence of maternal mortality was not available. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections.

Discrimination.—The role of women in society is not restricted by law but was circumscribed by culture and tradition. Despite this, the status of women has improved, particularly in the public sector. The Ministry of Gender Affairs reported that 62 percent of women in the civil service occupied public sector leadership positions. The ministry conducted programs addressing poverty and health and promoting institutional mechanisms to advance the status of women and attain leadership positions for women. Although no legislation requires equal pay for equal work, women and men generally received equal salaries for comparable jobs.

Children.—Birth Registration.—Children acquire citizenship by birth in the country, and all are registered at birth and equally able to access public education and public services. Children born to citizen parents abroad can be registered by either of their parents.

Child Abuse.—Child abuse remained a major problem. According to the government, neglect was the most common form of abuse, while physical and sexual abuse remained prevalent and underreported. Authorities received a number of reports of sexual assaults against children during the year and brought charges in cases involving alleged sexual activity with minors (indecent assault). The government operated one children's home for abused and neglected children and offered counseling for both adult and child victims of abuse.

Sexual Exploitation of Children.—The law sets the age of consent at 16. Under the statutory rape law, sexual relations with anyone under 16 are illegal, with penalties ranging from probation to life in prison. Child pornography is illegal and carries a penalty of up to 20 years in prison.

International Child Abduction.—The country is a party to the 1980 Hague Convention on International Child Abduction but has been designated as noncompliant. 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 was no organized Jewish community, and there were no reports of anti-Semitic acts.

Trafficking in Persons.—During the year there were no reports that persons were trafficked to, from, or within the country.

Persons With Disabilities.—While the law prohibits discrimination, it does not specifically cite discrimination against persons with disabilities. There was no reported discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. The building code mandates access to buildings for persons with disabilities, but this code was not always followed or enforced.

Persons who are mentally ill and deemed a menace to society can be incarcerated for life; there were four such persons in the prison. Ministry of Health nurses in the various district health centers deal with persons with mental illness, and the General Hospital has a wing dedicated to caring for patients with mental illness.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—There are no laws that prohibit discrimination against a person on the basis of sexual orientation. Same-sex sexual activity between men is illegal and carries penalties up to 10 years in prison. Same-sex sexual activity between women is not barred by statute.

Societal attitudes towards the lesbian, gay, bisexual, and transgender (LGBT) community impeded operation and free association of LGBT organizations and the openness of LGBT persons. The government asserted that it received no reports of violence or discrimination based on sexual orientation; however, unofficial reports indicated that this remained a problem. An LGBT minor was attacked multiple times during the year, resulting in serious injury. Anecdotal evidence suggested the attacks were a result of LGBT status.

Other Societal Violence or Discrimination.—Although no statistics were available, anecdotal evidence suggested that societal discrimination against persons with HIV/AIDS occurred.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law gives workers the right to form and join independent unions, to negotiate better wages and benefits for union members, and to strike. However, employers are not legally bound to recognize a union. The law permits the police, civil service, and organizations such as hotels, construction workers, and small businesses to organize "associations" that serve as unions. It was not clear if the rights of such associations differed from those of unions. Labor laws cover all workers, including migrant workers, domestic workers, and workers in specialized trade zones.

Restrictions on strikes by workers who provide essential services, such as the police and civil servants, were enforced by established practice and custom but not by law.

A union that obtains membership of more than 50 percent of employees at a company can apply to be recognized by the employer for collective bargaining. The law prohibits antiunion discrimination but does not require employers found guilty of such action to rehire employees fired for union activities. However, the employer must pay lost wages and severance pay to workers employed at least one year, based upon their length of service.

The government generally protected the legal right of workers to form and join unions and bargain collectively. The government also protected the right to strike. Employers generally recognized a union if a majority of workers voted to organize. Worker organizations were independent of the government and political parties. There was no government interference in union activities, and employers did not use hiring practices such as subcontracting or short-term contracts to avoid hiring workers with bargaining rights. There was no evidence of employer interference or antiunion discrimination toward union functions.

b. Prohibition of Forced or Compulsory Labor.—The constitution prohibits slavery, servitude, and forced labor by children, and the government effectively enforced such provisions. There were no reports that such practices occurred.

c. Prohibition of Child Labor and Minimum Age for Employment.—The minimum legal working age is 16. The Department of Labor relied heavily on school truancy officers and the Community Affairs Division to monitor compliance, which they did effectively.

Children under age 16 worked in agriculture and domestic service. In rural areas, children often assisted in small family lots with livestock farming and vegetable production. Girls often engaged in domestic service. Such labor included children looking after younger siblings or ailing parents and grandparents, but rarely at the expense of their schooling. Children often worked in other households as domestic servants or babysitters. In general society did not consider domestic work exploitive child labor.

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

d. Acceptable Conditions of Work.—The government sets the minimum wage, which was EC$8.00 ($3.00) an hour. Average wages were considerably higher than the minimum wage. The law provides for a 40- to 44-hour workweek. The law provides for premium pay for work above the standard workweek. There was no legal prohibition of excessive or compulsory overtime. The law also calls for paid holidays.

While there are no specific health and safety regulations, the law contains general health and safety guidance for Department of Labor inspectors. The Labor Commission settles disputes over safety conditions. Workers have the right to report unsafe work environments without jeopardy to continued employment; inspectors then investigate such claims, and workers may leave such locations without jeopardy to their continued employment.

In practice workers in the formal sector normally worked 40 hours in five days. Although not required by law, workers received at least one 24-hour rest period per week. According to the labor code, employees are entitled to time and a half when overtime is worked. Local custom dictated that a worker could not be forced to work overtime.

The Labor Commission undertook regular wage inspections and special investigations when it received complaints; it required employers found in violation to pay back wages. Eight labor officers also served as labor inspectors. Penalties were sufficient to deter violations. The Ministry of Labor encouraged enforcement of standards in the informal labor sector as well and worked in conjunction with the Social Security office to have those in the informal sector register their businesses and become self-employed. Once a business is officially registered, employees begin to receive benefits along with regular inspections.

SAINT LUCIA

EXECUTIVE SUMMARY

Saint Lucia is a multiparty, parliamentary democracy. In generally free and fair elections on November 28, the Saint Lucia Labour Party (SLP) won 11 of the seats in the 17-member House of Assembly, defeating the previously ruling United Workers Party (UWP). SLP leader Kenny Anthony was sworn in as prime minister on November 30. Security forces reported to civilian authorities.

The most serious human rights problems included reports of unlawful police killings, abuse of suspects and prisoners by the police, and long delays in trials and sentencing.

Other human rights problems included corruption, violence against women, child abuse, and discrimination against consensual same-sex sexual activity.

Although the government took some steps to prosecute officials and employees who committed abuses, the procedure for investigating police officers was lengthy, cumbersome, and often inconclusive. When the rare cases reached trial years later, juries often acquitted, leaving an appearance of de facto 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 did not commit any politically motivated killings; however, there were 12 potentially unlawful fatal police shootings during the year, some reportedly committed by officers associated with an ad hoc task force within the police department. The Criminal Investigations Department conducted investigations and referred cases to the director of public prosecutions (DPP) for review.

The DPP reviews all police shootings resulting in death and refers matters for inquest. The 12 police shootings were all in varying stages of review; three were pending coroner's inquests, and the DPP had the rest under review. The new government took steps to expedite investigative processes and review of these cases.

There was only limited progress in the DPP reviews and other investigations of unlawful killings dating back to 2006. Authorities reported two police shootings from 2010 and one shooting from 2009 as still pending in the coroner's inquest process. In March authorities brought the case of a police officer charged with manslaughter by recklessness for the fatal shooting of Stephen Flavius in 2006 to trial; the officer was found not guilty. At year's end the trial of a police officer charged with manslaughter by recklessness in the 2008 fatal shooting of John Garvy Alcindor was before the court for trial.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices; however, prisoners and suspects regularly complained of physical abuse by police and prison officers. There also were reports that police beat persons under arrest either during the arrest or while in custody at the initial detention center prior to arrival at the prison.

During the year citizens filed a number of complaints against the police, most of which were for abuse of authority. On at least four occasions, police were alleged to have shot men during an arrest or during a neighborhood sweep operation.

Limited information was available regarding official investigations of complaints pending in various stages of review from earlier years; the DPP is responsible for filing charges in such cases but was unable to monitor their progress due to limited resources and manpower. A woman's claim that police raped her while in custody in 2010 was under investigation; according to the police the woman was unable to identify her alleged attackers, and the DPP preliminarily ruled there was insufficient evidence to file charges. Although the government sometimes asserted that independent inquiries would be launched into allegations of abuse, the lack of information created a perception of impunity for the accused officers.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards, and the government permitted visits by independent human rights observers.

The Bordelais Correctional Facility, which has an intended capacity of 500 inmates, held 554 inmates at year's end, of whom 280 were sentenced prisoners and 274 were on remand awaiting trial or other judicial disposition. There were eight female inmates and 50 youth offenders ages 16-21. Female inmates were segregated from male inmates, as were youth offenders. Detainees were segregated from sentenced inmates.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Prison authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship. Prisoners and detainees had access to attorneys for this purpose.

The Boys Training Center, a facility for boys charged with criminal offenses or suffering from domestic or other social problems, operated separately from the prison, and conditions were substandard. Boys charged with crimes were not segregated from those with social problems, and the facility was not designed to house juvenile delinquents.

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

Role of the Police and Security Apparatus.—The Royal Saint Lucia Police has responsibility in law and in practice for law enforcement and maintenance of order within the country and reports to the Ministry of National Security and Home Affairs. The Criminal Investigations Division investigates internal affairs and allegations against officers and refers cases to the DPP for review, inquest, and prosecution. There is also a Police Complaints Commission to take complaints from members of the public; these complaints are investigated by a special unit of three police officers assigned to assist the commission.

Civilian authorities maintained effective control over the police, but there were reports of impunity. Although the government has institutions and procedures in place to investigate abuses by the security forces, these efforts have been ineffective overall. For instance, although authorities referred many cases for investigation and prosecution, prosecutions were rarely completed, and cases remained in investigation without conclusion for years. Lack of adequate human resources in the criminal justice system (prosecutors and criminal magistrates), delays in the judicial system, the reluctance of witnesses to testify, and strong public and political support for the police contributed to the overall inability of the government to address allegations efficiently.

Arrest Procedures and Treatment While in Detention.—The constitution stipulates that persons must be apprehended openly with warrants issued by a judicial authority and requires a court hearing within 72 hours of detention. Detainees are allowed prompt access to counsel and family. There is a functioning bail system.

Prolonged pretrial detention continued to be a problem; 124 of the prisoners at Bordelais Correctional Facility were awaiting trial. Those charged with serious crimes spent an estimated six months to five years in pretrial detention.

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

Trial Procedures.—The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Trials can be by jury and are public. In cases involving capital punishment, legal counsel is provided for those who cannot afford a defense attorney. Defendants are entitled to select their own representation, are presumed innocent until proven guilty in court, and have the right of appeal. Defendants have the right to confront or question witnesses and have access to government-held evidence. An attorney can be provided at public expense if needed in cases of serious criminal charges.

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

Civil Judicial Procedures and Remedies.—There is an independent, impartial judiciary in civil matters where one can bring lawsuits seeking damages for a human rights violation.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—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. There were reports of alleged death threats against a media personality by a senior government official.

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 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 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, 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, but the government has established a system for providing protection for refugees. According to the UNHCR, there were six asylum seekers in the country. Refugees and asylum seekers had access to education, health care, social services, law enforcement, legal aid, and access to courts. The government has assisted the safe, voluntary return of refugees to 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.—On November 28, the SLP defeated the UWP by winning 11 of 17 parliamentary seats. The UWP filed court challenges over the results in three constituencies; these had not been resolved by year's end. SLP leader Kenny Anthony was sworn in as prime minister on November 30; Anthony had previously served twice as prime minister in the period 1977 to 2006. Electoral observer missions from the Organization of American States (OAS), the Caribbean Community, and the Commonwealth Secretariat considered the elections generally free and fair. The OAS mission's preliminary report stated the elections were conducted in a fluid and peaceful manner and noted an increase in participation by women as candidates and as election workers. Its final report recommended that the government update the voters' registry, redraw constituency boundaries, adopt rules to prohibit anonymous and foreign campaign con-

tributions, take steps to increase voter participation, and consider a quota system to provide incentives for greater participation by women in politics.

Participation of Women and Minorities.—Voters elected three women to the House of Assembly; two of them also serve as members of the cabinet. The governor general was a woman; she appointed a woman to serve as deputy president of the Senate, and the SLP appointed another woman to serve as a senator.

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 sometimes engaged in corrupt practices with impunity. There were isolated reports of government corruption during the year. Although no senior officials were charged, there were successful investigations and arrests of customs and correctional officers for corruption and drug trafficking activities.

Corruption continued to be viewed as serious and was widely discussed by the media, the business community, and opposition politicians. Observers expressed concern that the country was moving backwards in terms of transparency and accountability. There were also reports that foreign donors routed some foreign assistance funds through offices of specific parliamentarians, providing the opportunity for graft by the ministers involved. There was an increasing public perception that certain politicians wielded undue influence over the law enforcement community to shield themselves from investigation for corrupt practices.

Both the SLP and the media reported corruption on the part of government ministers involved in public works procurement, granting of improper customs and import concessions, and diversion of foreign assistance funds to personal accounts of ministers.

High-level government officials, including elected officials, were subject to annual disclosure of their financial assets to the Integrity Commission, a constitutionally established commission. The parliamentary commissioner, auditor general, and the Public Services Commission are responsible for combating corruption. Parliament can also appoint a special committee to investigate specific allegations of corruption.

The law provides for public access to information, and parliamentary debates are open to the public. The Government Information Service disseminated public information on a daily basis, operated an extensive Web site, and published a number of official periodicals.

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

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

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

The constitution prohibits discrimination, but there was no specific legislation addressing discrimination in employment or against persons with disabilities.

Women.—Rape and Domestic Violence.—The law criminalizes rape, but not spousal rape. Police and courts enforced laws to protect women against rape, which is punishable by 14 years to life imprisonment. The police were not reluctant to arrest or prosecute offenders, although many victims were reluctant to report cases of rape or to press charges due to fear of stigma, retribution, or further violence. No data were available about the number of rapes reported, charges brought, or convictions obtained. The DPP reported that sexual assault cases were a growing problem but that most cases were not prosecuted due to the reluctance of victims to press charges.

Domestic violence was also a significant human rights problem. While police were willing to arrest offenders, the government prosecuted crimes of violence against women only when the victim pressed charges. Often victims were reluctant to press charges due to their reliance on financial assistance of the abuser. Shelters, hotlines, and improved police training were all used to deal with the problem, but the lack of financial security for the victim was the key impediment. Shelters were operated in private homes, in order to preserve the privacy of the victims, but the location of a shelter was hard to keep secret. The family courts heard cases of domestic violence and crimes against women and children.

The Ministry of Health, Wellness, Human Services, and Gender Relations assisted victims. Most of the cases were referred to a counselor, and the police facilitated the issuance of court protection orders in some cases. Police arrested and charged perpetrators in a number of domestic violence cases.

The police's Vulnerable Persons Unit, designed to handle cases involving violence against women and children, increased police responsiveness to these cases. As a result the police reported an increase in the reporting of sexual crimes against women and children over previous years. This unit worked closely with the Family Court and the ministry's Department of Gender Relations and Department of Human Services and Family Affairs.

The Department of Gender Relations also ran the Women's Support Center, which provided shelter, counseling, residential services, a 24-hour hotline, and assistance in finding employment. Various nongovernmental organizations, such as the Saint Lucia Crisis Center and the National Organization of Women, also provided counseling, referral, education, and empowerment services. The crisis center assisted in cases of physical violence, incest, nonpayment of child support, alcohol and drug abuse, homelessness, custody, and visitation rights.

The Family Court can issue a protection order prohibiting an abuser from entering or remaining in the residence of a specified person. Occupation and tenancy orders provide certain residential rights to victims of domestic violence, such as rental payments and other protective orders. The Family Court employed full-time social workers who assisted victims of domestic violence.

Sexual Harassment.—The criminal code prohibits sexual harassment, but it remained a problem, as government enforcement was not an effective deterrent. The Department of Gender Relations continued an awareness program through which it provided training opportunities in workplaces and assisted establishments in creating policies and procedures on how to handle sexual harassment. As a result most cases of sexual harassment were handled in the workplace rather than being prosecuted under the criminal code.

Reproductive Rights.—Couples and individuals have the right to decide freely the number, spacing, and timing of their children. Skilled attendance at delivery and in postpartum care was widely available —in 2008 U.N. data put it at 98 percent of live births. Access to contraception was widely available. Incidence of maternal mortality was not available. Testing for sexually transmitted diseases was nondiscriminatory and also widely available.

Discrimination.—Women enjoyed equal rights under the law, including in economic, family, property, and judicial matters. However, in practice women were still underrepresented in the labor force, had higher levels of unemployment than men, and sometimes received unequal and lower pay. Women's affairs were under the jurisdiction of the Department of Gender Relations, whose parent ministry was responsible for protecting women's rights in domestic violence cases and preventing discrimination against women, including ensuring equal treatment in employment.

Children.—Birth Registration.—Children receive citizenship by birth to a Saint Lucian parent. Birth certificates were provided to the parents without undue administrative delay.

Child Abuse.—Child abuse remained a problem. The Department of Human Services and Family Affairs handled a number of cases of sexual abuse, physical abuse, abandonment, and psychological abuse, but no figures were available on its prevalence during the year. Although the government condemned the practice, parents of sexually abused children sometimes declined to press sexual assault charges against the abuser in exchange for financial contributions toward the welfare of victims of such abuse. Nonetheless, courts heard some child sexual abuse cases and convicted and sentenced offenders.

The human services division provided a number of services to victims of child abuse, including counseling, facilitating medical intervention, finding foster care, providing family support services, and supporting the child while working with the police and attending court. The division was also involved with public outreach in schools, church organizations, and community groups.

The Caribbean Association for Feminist Research and Action (CAFRA) operated a hotline for families suffering from different forms of abuse; however, in the absence of any government shelter for abused children, many children were returned to the homes in which they were abused. Through the hotline and also through its outreach with sex workers, CAFRA learned of various cases of sexual abuse that were never reported to the police. The government did not provide funding for foster care, and few families were willing to take in foster children.

The Catholic Church operated the Holy Family Home for abused and abandoned children, with space for up to 40 children who were referred to the center by the police or social workers.

Sexual Exploitation of Children.—Laws on sexual offenses include rape, unlawful sexual connection, and unlawful sexual intercourse with children under 16. The age

of consent is 16, but a consent defense can be cited if the victim is between 12 and 16 years of age; no defense of consent is allowed when the child is under 12. The Counter-Trafficking Act prohibits trafficking of children under age 18 for labor or commercial sexual exploitation. No separate law defines or specifically prohibits child pornography.

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 was no organized Jewish community, and 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.—No specific legislation protects the rights of persons with disabilities or mandates provision of government services for them. The government is obliged to provide disabled access to all public buildings, but only a few government buildings had ramps to provide access. There was no rehabilitation facility for persons with physical disabilities, although the Health Ministry operated a community-based rehabilitation program in residents' homes. There were schools for the deaf and the blind up to the secondary level. There also was a school for persons with mental disabilities; however, children with disabilities faced barriers in education, and there were few opportunities for such persons when they became adults.

A full mental health hospital and wellness center entered into full operation in 2010.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Consensual same-sex activity is illegal under indecency statues, and some same-sex sexual activity between men is also illegal under anal intercourse laws. Indecency statutes carry a maximum penalty of five years, and anal intercourse carries a maximum penalty of 10 years in prison.

While such laws were rarely enforced, there was widespread social discrimination against lesbians, gays, bisexual, and transgender (LGBT) persons in the deeply conservative society. Nonetheless, in April then prime minister Stephenson King pledged in parliament to "stand against discrimination and stigma in all its forms" and to "guarantee nondiscrimination against persons on the basis of their sexual orientation." There were few openly LGBT persons in the country, although some informal groups formed and became more vocal after a brutal robbery and assault allegedly motivated by the victim's LGBT status. In March, assailants beat three gay tourists during the course of a robbery believed to have been motivated in part by antigay sentiment.

Other Societal Violence or Discrimination.—There was widespread stigma and discrimination against persons infected with HIV/AIDS, although the government implemented several programs to address this problem, including a five-year program to combat HIV/AIDS. The U.N. Population Fund also provided support for youth-oriented HIV/AIDS prevention programs.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law specifies the right of most workers to form and join independent unions, to strike, and to bargain collectively. The law does not prohibit antiunion discrimination, and workers fired for union activity did not have the right to reinstatement.

The law places several restrictions on worker rights. For instance, it does not permit civil service workers to join a union; instead, they formed the Civil Service Association, a quasi-union. The law prohibits members of the police and fire departments from striking on the grounds that these professions are "essential services." Workers in other essential services—water and sewer authority workers, electric utility workers, nurses, and doctors—must give 30 days' notice before striking. Once workers have given notice, the matter is usually referred to an ad hoc tribunal set up under the Essential Service Act. The government selects tribunal members, following rules to ensure tripartite representation. The ad hoc labor tribunals try to resolve disputes through mandatory arbitration.

The government generally respected freedom of association and the right to collective bargaining in practice. Worker organizations were independent of the government and political parties. All the unions belong to the umbrella Saint Lucia Trade Union Federation. Outside of essential services, workers exercised the right to strike and to bargain collectively in practice.

In practice many companies were openly antiunion in attitude, but there were no reports of interference in practice.

b. Prohibition of Forced or Compulsory Labor.—The government prohibits all forms of forced or compulsory labor and generally enforced the prohibition. However, there were occasional reports of forced labor, including domestic servitude.

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 a minimum legal working age of 16. The minimum legal working age for industrial work is 18. The Employee's (Occupational and Safety) Act provides special protections for children between the age of 16 and 18 as to working conditions and prohibits certain hazardous work.

The Ministry of Education, Human Resource Development, and Labor was responsible for enforcing statutes regulating child labor. Employer penalties for violating the child labor laws were EC$9.60 ($3.55) for a first offense and EC$24 ($8.88) for a second offense.

Child labor existed in the rural areas, primarily where school-age children helped harvest bananas from family trees. Children also typically worked in urban food stalls or sold confectionery on sidewalks on nonschool days and during festivals. There were no formal reports of violations of child labor laws. 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.—Minimum wage regulations in effect since 1985 set wages for a limited number of occupations. The minimum monthly wage for office clerks was EC$300 ($111), for shop assistants EC$200 ($74), and for messengers EC$160 ($59).

The legislated workweek is 40 hours with a maximum of eight hours per day. Overtime hours are at the discretion of the employer and the agreement of the employee. Pay is time and a half for work over 8 hours and double for work on Sundays and public holidays. Monthly paid workers are entitled to a minimum of 14 paid vacation days after one year. Workers paid on a daily or biweekly schedule have a minimum of 14 vacation days after 150 days. Special legislation covers work hours for shop assistants, agricultural workers, domestics, and workers in industrial establishments.

The government set occupational health and safety standards that cover all groups of employees except members of the police force. Penalties for violations of these standards ranged from EC$200 ($74) or imprisonment for three months for general violations, with an additional fine of EC$50 ($18) per day for additional offenses, to EC$500 ($180) and imprisonment for three months.

The ministry's labor commissioner is charged with monitoring violations of labor law, including the minimum wage. There were seven compliance officers to cover the entire country and monitor compliance with occupational and safety standards, pension standards, and minimum wage violations

Occupational health and safety regulations were relatively well developed. The ministry enforced them through threat of closure if it discovered violations in a business and the business did not correct them. However, actual closures rarely occurred because of lack of staff and resources. Workers had the legal right to leave a dangerous workplace situation without jeopardy to continued employment.

In practice there were few reported violations of wage laws, as those who received less than the minimum wage were often in the country illegally and afraid of reprisal, including possible deportation. Labor unions did not routinely report such violations, and most categories of workers received much higher wages based on prevailing market conditions. However, a number of smaller establishments paid less than the minimum wage, and Haitians and others often received less than the minimum wage due to illegal practices of employers.

SAINT VINCENT AND THE GRENADINES

EXECUTIVE SUMMARY

Saint Vincent and the Grenadines is a multiparty, parliamentary democracy. Government control lies with the prime minister and his cabinet. Vincentians returned Prime Minister Ralph Gonsalves to office for a third term in December 2010 elections. International observers assessed the vote as generally free and fair. Security forces reported to civilian authorities.

The most serious human rights problems were police use of excessive force, poor prison conditions, and violence against women.

Other human rights problems included official corruption, lack of government transparency, discrimination, trafficking in persons, and child abuse.

The government took steps to punish officials who commit abuses, but a perception of impunity persisted.

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 occasion police officers shot and killed persons encountered in the line of duty. The Criminal Investigations Department (CID) investigated all police killings, which also were referred to coroner's inquests.

On July 13, police shot and killed one Dominican man after the Vincentian Coast Guard intercepted his vessel and the individual allegedly fired a weapon. The police brought charges against two others aboard the vessel, but a court eventually dismissed the cases. A coroner's inquest was pending into the person's death.

On December 11, police shot and killed an escaped prisoner, Godwin Moses, who was found in possession of a firearm that he retrieved from a man he allegedly murdered shortly after his escape. The bodies of Moses and his alleged victim were undergoing a coroner's inquest at the end of the year.

The August 2010 incident where a police officer shot and killed a mentally disturbed man during a civil disturbance and accidently shot three girls went to a coroner's inquest. The coroner's jury ruled that the suspect's death was a death by misadventure.

After a CID investigation, the director of public prosecutions (DPP) reached a plea bargain and charged police constable Rohan McDowall with manslaughter in conjunction with an August 2010 incident in which McDowall shot and killed a fellow police officer. However, McDowall reneged on the plea bargain, and the DPP refiled the original murder charges.

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 nongovernmental organization (NGO) St. Vincent and the Grenadines Human Rights Association (SVGHRA) asserted that the police used excessive force.

Citizens alleging police abuse can lodge complaints with the Complaint Department within the police force or an independent government oversight committee. If a particular complaint has merit, the DPP will file charges. The government did not normally provide any public information about the disposition of such complaints, any disciplinary charges, or other actions taken.

In June the police force reinstated three officers convicted of beating a 15-year-old boy in 2008. The law prevents applicants with a criminal record from joining the police but does not disqualify those convicted of crimes while already serving on the force.

Prison and Detention Center Conditions.—Prison conditions remained poor. Prison buildings were antiquated and overcrowded, with Her Majesty's Prison in Kingstown holding 409 inmates in a building intended to hold approximately 150, creating serious health and safety problems.

The Belle Isle Correctional Facility officially opened in 2009 but remained empty at year's end. While prisoners were working at the on-site farm, they continued to reside in Kingstown, but authorities plan to transfer them to the new prison within the first quarter of 2012. The new facility is designed to hold 288 inmates in separate quarters for males and females.

Poor economic prospects for former prisoners drove recidivism rates of 75 percent or higher. Key problem areas in the current facility included the inability to segregate prisoners, gangs, and contraband, including cell phones and drugs. HIV/AIDS prevalence in prison was more than 10 times that of the general population; 4.1 percent of inmates were infected.

The SVGHRA reported that prison problems such as endemic violence, understaffing, underpaid guards, uncontrolled weapons and drugs, increasing incidence of HIV/AIDS, and unhygienic conditions persisted. Corrupt prison staff commonly served as a source of drugs, weapons, and cell phones. The SVGHRA also alleged that guards routinely beat prisoners to extract information regarding escapes, violence, and crime committed in the prison. On November 25, a prisoner died in police custody due to a blockage of the main lung artery. A senior-level police investigation took place at year's end to gain a more detailed understanding of what led to the prisoner's death.

The Fort Charlotte Prison held 15 female inmates in a separate section designed to hold 50 inmates, where conditions were antiquated and unhygienic. Pretrial de-

tainees and young offenders (16 to 21 years of age), 10 percent of the total male prison population, were held with convicted prisoners.

Conditions were inadequate for juvenile offenders. Boys younger than 16 were held at the Liberty Lodge Boys' Training Center, which takes in at-risk boys who can no longer stay at home due to domestic problems or involvement with criminal activity. Most of the boys were at the center because of domestic problems, and only a small number were charged with committing a crime.

Each convict had a schedule of visitors limited to one visit per week. There were no limitations on visitors for those in custody but not yet convicted. Local churches organized weekly religious services. Prisoners could file complaints by writing the court registrar who schedules court hearings. The government permitted prison visits by independent human rights observers, and such visits took place during the year.

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

Role of the Police and Security Apparatus.—The Royal Saint Vincent and the Grenadines Police, the only security force in the country, is responsible for maintaining national security. Its forces include a Coast Guard, a Special Services Unit, a Rapid Response Unit, and a Drug Squad. The police force reports to the minister of national security, a portfolio held by the prime minister.

Civilian authorities maintained effective control over the police, and the government has effective mechanisms to investigate and punish abuse and corruption. The government operated an oversight committee to monitor police activity and hear public complaints against police misconduct. There were no verified reports of impunity during the year.

Arrest Procedures and Treatment While in Detention.—The law requires judicial authority to issue arrest warrants. Police apprehended persons openly, and detainees may seek judicial determinations of their status after 48 hours if not already provided. The bail system functioned and was generally effective.

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 fair, public trials, and an independent judiciary generally enforced this right. Juries are used at the High Court level for criminal matters but are not used in the civil court or for crimes at the magistrate level. The court appoints attorneys only for indigent defendants charged with a capital offense. Defendants are presumed innocent until proven guilty, may confront and question witnesses, may appeal verdicts and penalties, and have access to relevant government-held evidence once a case reaches the trial stage. Lengthy delays occurred in preliminary inquiries for serious crimes. A backlog of pending cases continued because the magistrate's court in Kingstown continued to lack a full complement of magistrates. Witnesses sometimes refused to testify because they feared retaliation; the decision negatively affected the prosecution of crimes.

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

Civil Judicial Procedures and Remedies.—There is an independent, impartial judiciary in civil matters, where one can bring lawsuits seeking damages for a human rights violation.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The 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 and law provides for freedom of speech and of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Censorship or Content Restrictions.—The independent media were active and expressed a wide variety of views without restriction. However, there continued to be accounts of the prime minister or other officials rebuking the press for comments critical of the government, spurring some reports of self-censorship.

Libel Laws/National Security.—In August the DPP declined to prosecute a criminal case in which an opposition radio host was initially charged with publishing a false statement about prominent government officials. In November a court ordered an opposition radio station to pay an EC$250,000 ($92,560) award to Prime Minister

Gonsalves in relation to a defamation suit. Such lawsuits were not uncommon and may be used to protect one's political reputation.

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 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 was prepared to cooperate with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees 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, and the government has not established a system for providing protection to refugees. There were no refugees or asylum seekers residing within the country.

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

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

Elections and Political Participation.—Recent Elections.—In December 2010 elections, the ruling United Labour Party was returned to office, winning eight seats. The opposition New Democratic Party increased its seats from four to seven. International observers from the Caribbean Community and the Organization of American States declared the elections to be generally free and fair. During the year the opposition party continued to challenge four electoral contests. If successful in even one of the districts, the ruling party could lose its narrow majority in parliament.

Both the ruling party and the opposition noted pre-election violence. Several shootings related to political rallies occurred in the weeks leading up to the election, but it was unclear if they were politically motivated. The DPP took over prosecution of 10 criminal charges filed by opposition leaders in the election but dismissed them. Allegations of political handouts and other forms of low-level corruption in the time leading up to the election plagued both parties. Such bribes were historically a part of the country's political culture.

Participation by Women and Minorities.—Women were able to participate in political life on the same legal basis as men. Women held three of the 21 seats in the House of Assembly. One woman, the deputy prime minister, held a cabinet-level position.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but the government did not implement the law effectively. Anticorruption laws were primarily used to combat abuses committed in the Public Works Department and Public Licensing Division; they were not used to prosecute high-level government officials.

Allegations of corruption were regularly raised against politicians by their opponents. The DPP can prosecute such claims.

There were no financial disclosure laws for public officials. No government agency was specifically responsible for combating government corruption.

The law provides for public access to information, and the government provided such access in practice. Human rights organizations assisted individuals in obtaining information.

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

There were no restrictions on international human rights groups. A domestic human rights group, the SVGHRA, generally operated without government restriction, investigating and publishing its findings on human rights cases. Government

officials were somewhat receptive to its views. However, in December 2010 the prime minister accused members of the SVGHRA of being opposition political activists, a charge they refuted.

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

The law provides for equal treatment regardless of race or gender, and the government generally enforced this provision in practice. Human rights associations, not the DPP, handled the discrimination cases.

Women.—Rape and Domestic Violence.—Rape, including spousal rape, is illegal, and the government generally enforced the law when victims came forward. Depending on the magnitude of the offense and the age of the victim, sentences for rape could be eight to 10 years' imprisonment. Judges rarely imposed life imprisonment. Allegations of rape or any abuse against women are referred to the police. Police were generally responsive to these complaints, but fear of reprisal may deter some victims from seeking assistance. Although no special unit is devoted to these types of crimes, some officers were specially trained to handle them.

Human rights, government, and press sources all noted an increase in reports of rape and incest. One Vincentian man was charged with 160 counts of these types of crimes, the most charges ever levied against one person at the same time. Such cases often were difficult to prosecute, as witnesses were reluctant to testify and any discussion of these types of abuse could be considered taboo. Despite these challenges, the DPP successfully prosecuted a number of cases. Data were available from two of the three court sittings, which heard 26 sexual offense cases during the year, of which nine were completed and 17 carried over to 2012. These included 14 rapes and 12 cases of unlawful sexual intercourse.

Violence against women remained a serious and pervasive problem. The law does not criminalize domestic violence specifically but provides protection for victims. Cases involving domestic violence could be charged under assault, battery, or other similar laws, but police were often reluctant to follow up on domestic violence cases. As a result, perpetrators of crimes against women often enjoyed impunity. The government's Division of Gender Affairs offered 19 different programs to assist women and children. At year's end the government had nearly completed a crisis center for victims of domestic violence, which has a hidden location and will receive referrals from family court and also serve as a temporary shelter for women and children in between homes.

Sexual Harassment.—The law does not specifically prohibit sexual harassment, although it could be prosecuted under existing laws. Local human rights groups considered these laws ineffective.

Reproductive Rights.—Couples and individuals had the right to decide the number, spacing, and timing of children and had the information and means to do so free from discrimination. Access to information on contraception and skilled attendance at delivery and in postpartum care were widely available. In 2009 (the latest year available) the contraceptive prevalence rate was 48 percent. Incidence of maternal mortality was not available. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections.

Discrimination.—Women enjoyed the same legal rights as men, although in practice many were marginalized due to financial dependence. Women received an equitable share of property following separation or divorce. The Gender Affairs Division continued to assist the National Council of Women with seminars, training programs, and public relations. The division worked closely with several international NGOs. The minimum wage law specifies that women should receive equal pay for equal work, and this generally was enforced in practice.

Children.—Birth Registration.—Citizenship is derived by birth within the country's territory or from either of one's parents. There was universal birth registration.

Child Abuse.—The law provides a limited legal framework for the protection of children, and the Family Services Division of the Social Development Ministry monitored and protected the welfare of children. The division referred all reports of child abuse to the police for action and provided assistance in cases where children applied for protection orders with the family court.

Sexual Exploitation of Children.—Some male and female teenagers engaged in prostitution. The minimum age of consensual sex is 16. The penalty for child prostitution is 14 years' imprisonment. The law prohibits statutory rape, with special provisions for those less than 13 years of age. The penalty for statutory rape of a girl over 13 but less than 16 years old is five years' imprisonment; for girls under age 13, it is life imprisonment. NGO and government sources reported that mothers of girls may encourage their children to have sexual relations with older men as a

way to supplement family income. The law does not specifically prohibit child pornography.

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

Anti-Semitism.—There was no organized Jewish community, and 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 and mental disabilities in employment, education, access to health care, and the provision of other state services, and the government generally observed these prohibitions in practice. The law does not mandate access to buildings for persons with disabilities, and access for such persons generally was difficult. Communications were available for persons with disabilities, but the government did not have any programs to facilitate communication through technology. There were no restrictions on voting or other civic participation. The government partially supported a school for persons with disabilities. A separate rehabilitation center treated approximately five persons daily. The Ministry of National Mobilization, Social Development, NGO Relations, Family, Gender Affairs, and Persons with Disabilities is responsible for assisting persons with disabilities.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—There are no laws that prohibit discrimination against a person on the basis of sexual orientation. Consensual same-sex conduct is illegal under indecency statutes, and some same-sex sexual activity between men is also illegal under anal intercourse laws. Indecency statutes carry a maximum penalty of five years, and anal intercourse acts carry a maximum penalty of 10 years in prison, although these laws were rarely enforced.

Anecdotal evidence suggested there was social discrimination against lesbians, gays, bisexual, and transgender persons in the deeply conservative society, although local observers believed such attitudes of intolerance were slowly improving. Members of professional and business classes were more inclined to conceal their sexual orientation.

Other Societal Violence or Discrimination.—HIV infection rates were low, but the disease was prevalent in 0.4 percent of the population and has killed more than 900 people. Although no statistics were available, anecdotal evidence suggested there was some societal discrimination against persons with HIV/AIDS. There is a government HIV Secretariat, but local NGOs found it to be inadequate. There were approximately a dozen NGOs working on AIDS-related issues, but funding difficulties led to cutbacks in these services.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law allows workers to form and join unions of their choice, permits collective bargaining, provides for the right to strike, prohibits retaliation against strikers, prohibits antiunion discrimination, protects workers from dismissal for engaging in union activities, and provides them with reinstatement rights if illegally dismissed.

The government generally enforced labor laws effectively. The Essential Services Act prohibits persons providing such services (defined as electricity, water, hospital, and police) from striking unless they provide at least a 14-day notice to the authorities.

The law does not require employers to recognize a particular union as an exclusive bargaining agent. The law provides that if both parties consent to arbitration, the minister of labor can appoint an arbitration committee from the private sector to hear the matter.

The law provides for establishment of an arbitration tribunal and a board of inquiry in connection with trade disputes and allows provision for the settlement of such disputes. Arbitration panels are formed on an ad hoc basis when a labor dispute arises. Labor unions and businesses were generally satisfied with the working of the arbitration panels, which have tripartite representation.

The Department of Labor did not report any prosecutions for collective bargaining rights violations during the year. The only high-profile labor dispute involved the government and the St. Vincent and Grenadines Teachers' Union (SVGTU) on whether three teachers who resigned from their positions in order to run for elected office should get their jobs back after losing at the polls. A section in the collective bargaining agreement appeared to allow the teachers to take six months' election leave, but the court later determined the measure to be unconstitutional. Both parties declined to use the Department of Labor to mediate the disagreement, and the

government and the SVGTU attempted to resolve it. The SVGTU can take the matter to the court but had chosen not to do so; at year's end the teachers awaited reinstatement.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor, and the government generally enforced the law effectively.

c. Prohibition of Child Labor and Minimum Age for Employment.—The law sets the minimum working age at 16, and workers may receive a national insurance card at that age. The Ministry of Labor monitored and enforced this provision, and employers generally respected it in practice. There were five labor officers in the labor inspectorate with responsibility for monitoring all labor issues and complaints. The ministry reported no child labor problems. The only known child labor was work on family-owned banana plantations, particularly during harvest time, or in family-owned cottage industries. The government operated Youth Empowerment, which provided training and increased job opportunities by employing young persons in government ministries for up to one year.

See also 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.—Minimum wages, last updated in 2008, vary by sector and type of work and are specified for several skilled categories. In agriculture the minimum wage for workers provided shelter was EC$32 ($11.85) per day, or EC$56 ($20.74) if shelter was not provided; for industrial workers it was EC$40 ($14.81) per day. Most workers earned more than the minimum. Workers who receive less than the minimum wage can file a claim with the Labor Ministry's inspectors, who will investigate and, if warranted, refer the matter to arbitration. In practice the ministry received very few complaints concerning minimum wage violations but did receive complaints regarding wrongful dismissal.

The law prescribes hours of work according to category, such as industrial employees (40 hours per week), professionals (44 hours per week), and agricultural workers (30 to 40 hours per week). The law provides that workers receive time-and-a-half for hours worked over the standard workweek. There was a prohibition against excessive or compulsory overtime, which was effectively enforced in practice. The law provides workers with paid holiday leave, and the number of days a worker is entitled to varies according to occupation.

The Department of Labor had five labor inspectors that conducted regular wage and workplace safety inspections. While there are fines and other penalties in the labor laws, they were inapplicable in many cases. The department also indicated that workplace violations were rare since most employers adhered to the minimum labor standards. The department offered voluntary labor dispute mediation and advised employers and employees of their labor rights through a weekly radio program.

Legislation concerning occupational safety and health was outdated, and enforcement of regulations was ineffective. The law does not address specifically whether workers have the right to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment, but it stipulates conditions under which factories must be maintained. Failure to comply with these regulations would constitute a breach, which might provide legal cover to a worker who refused to work under these conditions.

The agricultural sector was considered the most hazardous sector due to workers' exposure to chemicals when working in the field. The Ministry of Agriculture conducted inspections and worksite visits to ensure that workers were protected. No major workplace accidents were reported during the year.

SURINAME

EXECUTIVE SUMMARY

Suriname is a constitutional democracy, with a president elected by the unicameral National Assembly or by the larger United People's Assembly. After generally free and fair legislative elections in May 2010, several political alliances formed a coalition government. The National Assembly elected former military leader Desire Bouterse president in July 2010. Security forces reported to civilian authorities.

The most serious human rights problems were overcrowded detention facilities, lengthy pretrial detention, and governmental corruption.

Other human rights problems included self-censorship by some media organizations and journalists; societal discrimination against women, Maroons, indigenous

people, and other minorities; domestic violence against women; trafficking in persons; and child labor in the informal sector.

The government continued to take steps to prosecute abusers in the security forces, where there was a widespread perception 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. Security force members shot and killed a wanted criminal early in the year, and in June a warning shot apparently fired by police killed a bystander after a riot erupted. At year's end authorities were investigating to determine if the bullet in this accidental killing was fired by police or by other bystanders. Criminal charges were filed against the officer. There was generally little information available about investigations into killings by police or other security force members.

The trial of former military dictator and current President Desire Bouterse and his codefendants for the 1982 extrajudicial killing of 15 political opponents continued at year's end without interference.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—While the law prohibits such practices, human rights groups and the media continued to report mistreatment by police as well as isolated incidents of abuse of prisoners by prison officials.

Prison and Detention Center Conditions.—Prison and detention center conditions remained poor. Poor ventilation, limited lighting, and extreme heat remained problems in prisons and detention centers. Most prisons and detention centers, particularly the older jails, remained unsanitary and overcrowded, but prisoners had access to potable water.

There were three prisons, which held female and male prisoners separately. There were also 19 smaller jails, or temporary detention centers, in police stations throughout the country.

There was one juvenile detention facility, Opa Doeli, with separate quarters for boys and girls under the age of 18. This facility, located in Paramaribo, was considered adequate, provided educational and recreational facilities, and was occupied at less than its maximum capacity. After conviction, minor girls are kept there, while convicted minor boys are transferred to a reformatory wing of Santo Boma state prison.

Growing numbers of convicted prisoners were held in pretrial detention cells due to prison overcrowding. Due to staff shortages, police officers rarely permitted detainees to leave their cells. Detainees and human rights groups also alleged that meals were inadequate.

Conditions in the women's jail and in the women's section of other prison facilities were generally better than those in the men's facilities.

Prisoners continued to have reasonable access to visitors and were permitted religious observance of their choice. Government officials continued regular monitoring of prison and detention center conditions. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship. During the year prisoners filed a complaint with the Inter-American Court of Human Rights after the government denied some requests for higher appeal and for early release.

Local nongovernmental organizations (NGOs) continued to express concern over declining conditions in the Santo Boma prison, where prisoners complained of inadequate food provisions, mistreatment by prison guards, limited ventilation, and a lack of rehabilitation programs.

The government permitted monitoring visits by independent human rights observers, and such visits occurred during the year. No ombudsman served on behalf of prisoners and detainees; prisoners notify their defense lawyers and government officials of any problems.

The Welzijns Institute Nickerie, an NGO operating in the western district of Nickerie, continued to visit and provide counseling for detainees in the youth detention center in that district. The institute continued a program to train prison officers to counsel detainees.

The government built a pretrial detention center to improve conditions and reduce overcrowding, and it accepted pretrial detainees who were previously imprisoned in smaller jails around the country.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. However, due to a shortage of judges, prisoners who appealed their cases often served their full sentences before the lengthy appeals process could be completed.

Role of the Police and Security Apparatus.—The armed forces are responsible for national security and border control, with the military police having direct responsibility for immigration control at the country's ports of entry. All elements of the military are under the control of the Ministry of Defense. Civilian police bear primary responsibility for the maintenance of law and order and report to the Ministry of Justice and Police. Police effectiveness was hampered by a lack of equipment and training, low salaries, and poor coordination with military forces.

The Personnel Investigation Department (OPZ), an office within the Police Department, investigates complaints against members of the police force. In 2010 (latest data available) the OPZ received 140 complaints against members of the police force during the year and launched 20 investigations into cases involving mistreatment of detainees and civilians. That year authorities relieved 16 police officers of duty; four remained in custody with their cases under investigation.

Arrest Procedures and Treatment While in Detention.—Individuals were apprehended openly with warrants based on sufficient evidence and brought before an independent judiciary. The law provides detainees with the right to a prompt judicial determination of the legality of the detention, and authorities respected this right in practice. Detainees were promptly informed of the charges against them. Police may detain a person suspected of committing a crime for up to 14 days if the sentence for that crime is longer than four years, and an assistant district attorney or a police inspector may authorize incommunicado detention. The police must bring the accused before a prosecutor to be charged formally within that period; but if additional time is needed to investigate the charge, a prosecutor and, later, a judge of instruction may extend the detention period an additional 150 days. There is no bail system. Detainees were allowed prompt access to counsel of their choosing, but the prosecutor may prohibit access if the prosecutor thinks that this could harm the investigation. Detainees were allowed weekly visits from family members. The average length of pretrial detention was 30 to 45 days for lesser crimes.

Detainees were held in detention cells at 19 police stations throughout the country that were at or near capacity. In accordance with the law, the courts freed most detainees who were not tried within the 164-day period. According to human rights monitors, factors such as a shortage of judges, large caseloads, and large numbers of detainees caused trial delays.

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

The judiciary lacked professional court managers and case management systems to oversee the courts' administrative functions and also lacked adequate physical space—factors that contributed to a significant case backlog. The courts required a minimum of six months to process criminal cases.

Trial Procedures.—The law provides for the right to a fair, public trial in which defendants have the right to counsel, and the judiciary generally enforced this right. All trials are public except for indecency offenses. There is no jury system. Defendants enjoy a presumption of innocence and have the right to appeal. Defendants have the right to be present and to consult an attorney in a timely manner. Defendants and their attorneys have access to government-held evidence. Defendants' attorneys can question witnesses and present witnesses and evidence on the defendant's behalf. The courts assign private sector lawyers to defend indigent detainees. There were court-assigned attorneys for both the civil and penal systems. The law extends the above rights to all citizens. Names of the accused are routinely protected by law and not released to the public or the media prior to conviction.

Military personnel generally are not subject to civilian criminal law, and there are parallel military and civilian court systems. Military police investigate crimes committed by members of the armed forces. An officer on the public prosecutor's staff directs military prosecutions before two military judges and one civilian judge. Due to a shortage of judges, military and civilian judges are selected from the same pool by the Court of Justice, which makes assignments to specific cases. A mechanism exists to prevent conflicts of interest. The military courts follow the same rules of procedure as the civil courts. There is no appeal from the military to the civil system.

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

Regional Human Rights Court Decisions.—The government has not fully complied with a number of decisions by the Inter-American Court of Human Rights. No further progress was made on implementing that court's 2007 ruling that the government must recognize the collective land rights of 12 Saramaccan clans, draft legislation that complies with international treaties, establish a development fund of SRD1,680,000 ($600,000), and provide them with their own land. By the end of

2010, the government had paid approximately SRD560,000 ($200,000) toward this amount and had not completed the demarcation process.

Civil Judicial Procedures and Remedies.—There are separate procedures for civil processes, and there is a court to consider lawsuits seeking damages for, or cessation of, a human rights violation. Despite the installation of new judges, the backlog of cases continued. Most civil cases were resolved approximately three to four years after being first heard by the courts.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the government generally respected these prohibitions in practice. The law requires search warrants, which are issued by quasi-judicial officers who supervise criminal investigations.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—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.

Freedom of Speech.—Although the government announced in 2009 that it would compensate two broadcasting companies for the army's destruction of their radio stations in 1982 under the military dictatorship, the new government did not take any action in this regard.

Censorship or Content Restrictions.—Some media members continued to practice self-censorship in response to pressure applied and intimidation by senior government officials or community leaders on journalists who published negative stories about the administration. In addition many news outlets were affiliated with particular political parties, which discouraged journalists from reporting on some 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.

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 constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. No occasion arose during the year for government cooperation with the Office of the U.N. High Commissioner for Refugees or other humanitarian organizations in providing protection and assistance to any persons of concern.

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.

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 constitution provides for direct election by secret ballot of the 51-member National Assembly no later than five years after the prior election date. The National Assembly in turn elects the president by a two-thirds majority vote. If the legislature is unable to do so, the constitution provides that the United People's Assembly, composed of members of parliament and elected regional and local officials, shall elect the president. After generally free and fair legislative elections in May 2010, the National Assembly elected Desire Bouterse as president in July of that year.

Participation by Women and Minorities.—While women made limited gains in attaining political power, men continued to dominate political life. There were six

women among the 51 members of the National Assembly and two women among the 17 ministers in the cabinet. There were five women among the 20 sitting judges. The head clerk of the Court of Justice, that body's highest administrative position, was a woman, as was the speaker of the National Assembly.

Several factors traditionally limited the participation of Maroons (descendants of escaped slaves who fled to the interior of the country to avoid recapture) and indigenous Amerindians in the political process, including a population concentrated in remote areas in the interior and removed from the country's centers of political activity. There were 10 Maroons and two Amerindians represented in the National Assembly, and all were part of the governing coalition.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. Long delays often occurred before corruption cases came to trial.

The World Bank's worldwide governance statistics continued to indicate corruption was a serious problem. The media frequently reported alleged corrupt practices with regard to land rights and land titles, misuse of government funds, and other practices.

Public officials were not subject to financial disclosure laws. Various sections of the Ministry of Justice and Police, including the Fraud Police and the Attorney General's Office, were responsible for combating government corruption.

Although the law provides for public access to government information, such access was limited in practice for citizens and noncitizens, including foreign media. During the year the government established a centralized office for media and information requests under the Office of the President. Gaps in official government statistics and bureaucratic hurdles made obtaining information difficult.

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

A number of independent domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. NGOs reported generally positive relationships with government officials, although occasionally officials were not responsive to their views. No international human rights groups operated in the country during the year.

U.N. and Other International Bodies.—In September the government responded to recommendations from the U.N. Human Rights Council's Universal Periodic Review, including one for increased protections for lesbian, gay, bisexual, and transgender (LGBT) persons. The government response emphasized its constitutional protection for all citizens while requesting additional time to consider this problem.

Government Human Rights Bodies.—A legislative commission on human rights continued operating throughout the year, but resource constraints hampered its effectiveness. The National Assembly also has a commission dealing with women's and children's rights.

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

The law prohibits discrimination based on race and ethnicity but does not address discrimination based on disability, language, or social status. In practice various sectors of the population—such as women, Maroons, Amerindians, persons with HIV/AIDS, and LGBT persons—suffered forms of discrimination.

Women.—Rape and Domestic Violence.—The law criminalizes rape, including spousal rape, and prescribes penalties for rape or forcible sexual assault of between 12 and 15 years' imprisonment. The government enforced the law effectively. In 2010 (latest data available) the Ministry of Justice and Police received 189 reports of attempted rape and investigated 106 cases of rape.

Violence against women remained a serious and pervasive problem. In 2010 (latest data available) the Ministry of Justice and Police registered 1,213 cases of domestic violence during the year, a drop from 1,769 in 2009. The law imposes sentences of four to eight years' imprisonment for domestic violence crimes. The Ministry of Justice and Police's Victim Assistance Bureau provided resources for victims of domestic violence and continued to provide information on domestic violence through public television programs. There were four victims' rooms in police stations in Paramaribo and Nickerie, and police units were trained to deal with victims and perpetrators of sexual crimes and domestic violence. There was only one shelter for victims of domestic violence, operated by an NGO, and it provided care for 18

women and their children during the year. Length of stay depended upon the circumstances but averaged three months.

Sexual Harassment.—There was no specific legislation on sexual harassment; however, prosecutors cited various penal code articles in filing sexual harassment cases. There were no reported court cases involving sexual harassment in the workplace during the year.

Reproductive Rights.—Couples and individuals had the right to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. Access to information on contraception was widely available and, according to 2009 U.N. estimates, contraceptive use among married women was 45 percent. The U.N. Population Fund estimated the maternal mortality ratio in 2008 at 100 deaths per 100,000 live births and reported that skilled health personnel attended 90 percent of births in 2009. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections.

Discrimination.—Although the law does not specifically prohibit gender discrimination, it provides for protection of women's rights to equal access to education, employment, and property. Nevertheless, societal pressures and customs, especially in rural areas, inhibited their full exercise of these rights, particularly with respect to marriage and inheritance. Where local customs remain a strong influence on the family unit, girls traditionally marry at or near the legal age of consent, and inheritance rights pass to their husbands.

Men and women generally enjoyed the same legal rights under property law and under the judicial system. In practice, however, where local customs were observed, these rights were somewhat infringed. The Bureau for Women and Children under the Ministry of Justice and Police worked to ensure the legal rights of women and children. Women experienced discrimination in access to employment and in rates of pay for the same or substantially similar work. The government did not undertake specific efforts to combat economic discrimination.

The National Women's Movement, the most active women's rights NGO, continued assisting women in launching small home-based businesses, such as sewing and vegetable growing, and provided general legal help. The Women's Business Group advocated for business opportunities for women, while the Women's Parliament Forum advocated for opportunities in the public sector. Another NGO, Stop Violence against Women, provided assistance to victims of domestic violence, including legal help with dissolving an abusive marriage.

Children.—Birth Registration.—Citizenship is derived by birth within the country's territory and from one's parents.

Child Abuse.—Physical and sexual abuse of children continued to be problems. In 2010 police received reports of 269 cases of sexual abuse of children, compared with 265 reported in 2009. The police Youth Affairs Office conducted three visits per week to different schools in the capital and the surrounding areas on a rotating schedule to provide outreach, raise awareness about child abuse, and solicit and investigate complaints. The Youth Affairs Office continued to raise awareness about sexual abuse, drugs, and alcohol through a weekly television program. The U.N. Children's Fund continued cooperating with the government in providing training to officials from various ministries dealing with children and children's rights. The government operated a "1-2-3" telephone hotline for children and provided confidential advice and aid to children in need.

Authorities applied various laws to prosecute perpetrators of sexual abuse, and several cases of sexual abuse of minors came to trial. Sentences averaged two to three years in prison. In the capital there were several orphanages that could accept sexually abused children and one privately funded shelter.

The marriage law sets the age of marital consent at 15 years for girls and 17 years for boys, provided parents of the parties agree to the marriage. Parental permission to marry is required until the age of 21. The law also mandates the presence of a civil registry official to register all marriages.

Sexual Exploitation of Children.—Trafficking and commercial sexual exploitation of minors remained problems. Although the legal age of sexual consent is 14, it remained difficult to enforce in practice. The criminal law penalizes child prostitution and provides sanctions of up to six years' imprisonment and a fine of SRD100,000 ($30,800) for pimping. The law also prohibits child pornography, which has a maximum penalty of six years' imprisonment and maximum fine of SRD50,000 ($15,380).

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

Anti-Semitism.—There was a declared Jewish community of approximately 150 persons. There were no reports of anti-Semitic acts or discrimination.

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

Persons With Disabilities.—There are no laws prohibiting discrimination against persons with physical or mental disabilities in employment, education, access to health care, or the provision of state services. In practice persons with disabilities suffered from discrimination when applying for jobs and services. Some training programs were provided for persons with visual or other disabilities. There are no laws or programs to ensure that persons with disabilities have access to buildings. A judge may rule that a person with a cognitive disability be denied the right to vote, take part in business transactions, or sign legal agreements. Persons with disabilities had equal access to information and communications. There were no reports of abuse in educational facilities for persons with disabilities. A Ministry of Social Affairs working group remained responsible for protecting the rights of persons with disabilities, but it made limited progress during the year.

*National/Racial/Ethnic Minorities.*The law prohibits discrimination on the basis of race or ethnicity, and no such discrimination complaints were filed during the year. However, Maroons, who represent an estimated 15 percent of the population, generally continued to be disadvantaged in the areas of education, employment, and government services. Most Maroons lived in the interior, where limited infrastructure reduced their access to educational and professional opportunities and health and social services. Some forms of discrimination that affected indigenous Amerindians also extended to Maroons.

Indigenous People.—The law affords no special protection for, or recognition of, indigenous people. Most Amerindians (approximately 2 percent of the population) live in the remote and undeveloped interior of the country, where government services are largely unavailable. Geographic isolation limited opportunity to participate in national and regional policymaking, including decisions affecting interior lands, cultures, traditions, and natural resources.

Because Amerindian and Maroon lands were not effectively demarcated or policed, populations continued to face problems with illegal and uncontrolled logging and mining. There are no laws granting indigenous people rights to share in the revenues from the exploitation of resources on their traditional lands. Organizations representing Maroon and Amerindian communities complained that small-scale mining operations, mainly by illegal gold miners, some of whom were themselves indigenous or supported by indigenous groups, dug trenches that cut residents off from their agricultural land and threatened to drive them away from their traditional settlements. Mercury runoff from these operations also contaminated and threatened traditional food source areas.

Many Maroon and Amerindian groups also complained about the government granting land within their traditional territories to third parties, who sometimes prevented the villages from engaging in their traditional activities on those lands. Indigenous groups, with the assistance of the Amazon Conservation Team, mapped their lands and presented proposed demarcation charts to the government in 2000 and to the Ministry of Physical Planning, Land, and Forestry Management in both 2006 and 2009. Maroon and Amerindian groups continued to cooperate with each other to exercise their rights more effectively. The Moiwana Human Rights Association, the Association of Indigenous Village Leaders (an umbrella group that represents the many smaller associations of indigenous persons), and other NGOs continued to promote the rights of indigenous people.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Although the law prohibits discrimination based on sexual orientation, there were reports of employment discrimination against LGBT persons. There were no reports of official discrimination based on sexual orientation in housing, access to education, or health care.

Other Societal Violence or Discrimination.—Mob violence in gold mining areas, primarily directed towards Brazilian and Chinese migrants, continued to be a problem. After private security guards shot and killed a person and wounded four others on October 23 in Maripaston, there was widespread looting of local shops (owned by Chinese immigrants), some of which were set on fire, and the destruction of a large amount of valuable heavy equipment. Authorities ordered additional police and military personnel to the area to restore order, and by October 27, the violence appeared to have subsided.

Persons with HIV/AIDS continued to experience societal discrimination in employment and medical services. The police and military began mandatory HIV testing

for new recruits during the year. Medical treatment is free for HIV/AIDS patients who are covered under government insurance, but private insurers do not cover such treatment.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law allows workers to form and join unions of their choice without previous authorization or excessive requirements. The law provides for the right to strike, and prohibits antiunion discrimination. Workers fired for union activity are reinstated after negotiation. The law protects collective bargaining and prohibits employer interference in union activities. Labor law covers all types of workers, as long as they are legally in the country.

The government generally enforced the right to collective bargaining. Workers formed and joined unions freely and exercised their right to strike. Worker organizations were independent of the government and political parties.

There was occasional government interference in labor relations, especially in parastatal companies, but no use of excessive force by the police. However, the principle of "no-work-no-pay" has been used to force strikers to cancel their strike. Strikers who face this punishment may request the Department of Labor Inspection to investigate their case.

There were isolated cases where employers refused to bargain or recognize collective bargaining rights, but the unions usually pressured the employers to renegotiate. In one case pending at year's end, a parastatal company, the Energy Company, fired a group of employees who were conducting an "unauthorized" strike.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor. The government failed to effectively enforce the law in all cases, and 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.—The law sets the minimum age for most types of employment at 14 and restricts working hours for minors to day shifts but does not limit the number of hours minors can work. Children younger than 14 are allowed to work only in a family-owned business, small-scale agriculture, and special vocational work. The law does not define the worst forms of child labor. Children younger than 18 are prohibited from doing hazardous work, which is defined as work dangerous to their life, health, and decency. Children under the age of 15 are not permitted to work on boats. Employing a child under 14 is punishable by fines and up to 12 months' imprisonment. Parents who permit their children to work in violation of labor laws may be prosecuted. Employers are required to maintain a Register of Young Persons that includes each employee's information.

The Ministry of Labor and the police enforced the law sporadically. The ministry's Department of Labor Inspection was responsible for enforcing child labor laws, but enforcement and resources remained inadequate. The government investigated some exploitive child labor cases in the informal sectors in the cities and in the interior. The government's commission on eliminating child labor, comprised of 11 organizations (10 government institutions and one NGO), formulated terms of reference to research specific issues related to eliminating child labor and propose legislation for parliamentary review.

Child labor remained a problem in the informal sector, especially in the western districts of Nickerie, Saramacca, and Marowijne. Historically these cases involved agriculture, logging, fisheries, and the construction sector, although there were no specific documented cases during the year. Isolated cases of child labor also occurred in the informal gold mining sector in the interior, in prostitution, and in the urban informal sector.

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 legislation providing for a minimum wage. The lowest wage for civil servants was approximately SRD600 ($185) per month, including a cost of living allowance. Government employees constituted approximately 50 percent of the estimated 100,000-member formal sector workforce and frequently supplemented their salaries with second or third jobs, often in the informal sector.

Work in excess of 45 hours per week on a regular basis requires special government permission, which was granted routinely. Such overtime work earned premium pay. The law prohibits excessive overtime, requires a 24-hour rest period per week, and stipulates paid annual holidays. The government sets occupational health

and safety standards. There is no law authorizing workers to refuse to work in circumstances they deem unsafe; they must appeal to the Department of Labor inspectorate to declare the workplace situation unsafe.

A 10-to-12-member inspectorate in the Occupational Health and Safety Division of the Ministry of Labor is responsible for enforcing occupational safety and health regulations, but it did not make regular inspections. The ministry's Department of Labor Inspection, with 63 inspectors, has responsibility to implement and enforce labor laws, but enforcement was inadequate. Inspectors visited private sector companies throughout the country, but no data were available regarding the number of inspections performed during the year.

TRINIDAD AND TOBAGO

EXECUTIVE SUMMARY

The Republic of Trinidad and Tobago is a parliamentary democracy governed by a prime minister and a bicameral legislature. The island of Tobago has a House of Assembly that has some administrative autonomy over local matters. In the May 2010 elections, which observers considered generally free and fair, the People's Partnership coalition led by Kamla Persad-Bissessar of the United National Congress (UNC) defeated Prime Minister Patrick Manning's People's National Movement (PNM) government and secured a 29-to-12-seat majority in the Parliament. Security forces reported to civilian authorities.

On August 21, the president declared a state of emergency in the wake of a sudden spike in killings. Parliament approved a three-month extension on September 4. During the state of emergency, the government had broad powers to use military units in law enforcement, enter homes without a warrant, ban public demonstrations and strikes, and detain persons without charge. Authorities arrested and detained more than 7,000 persons during the state of emergency, some without charges, and eventually released hundreds of persons for lack of evidence. The state of emergency expired on December 4.

The most serious human rights problems were police killings during apprehension or custody, as well as poor treatment of suspects, detainees, and prisoners.

Other human rights problems involved inmate illness and injuries due to poor prison conditions, high-profile cases of alleged bribery, violence against women, inadequate services for vulnerable children, and unsafe working conditions.

The government took some steps to punish security force members and other officials charged with killings or other abuse, but there continued to be a perception of impunity based on the open-ended nature of many investigations and the slow pace of criminal judicial proceedings in general.

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. According to official figures, police shot and killed 39 persons during the year. Authorities investigated or opened inquests into several of the killings and charged police officers with murder in one case.

On July 22, police officers shot and killed Kerron Fernando Eccles, Abigail Johnson, and Alana Duncan in Barrackpore. Officers said the three had fired at them, but other witnesses disputed the account. On October 28, authorities arrested six police officers in connection with the case. Hearings continued at year's end.

The government gradually disbanded its Special Anti-Crime Unit after allegations of improper intelligence activities were raised. The anti-gang task force known as the Repeat Offenders Program was disbanded in September 2010 after allegations of kidnapping and murder, although charges were never brought against any of the officers.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the constitution and the law prohibit such practices, there were credible reports that police officers and prison guards mistreated individuals under arrest or in detention.

On October 28, authorities charged six police officers with beating and using Tasers on three suspects in March.

On October 27, a court awarded Kernell Sealy, a convicted rapist, TT$120,000 ($19,200) in damages after prison officials beat him in July 2010.

Prison and Detention Center Conditions.—Conditions in some of the prison system's eight facilities continued to be harsh. The designed capacity of the prisons was 4,886 inmates. The average daily inmate population was reported to be 4,025. Of those, 1,927 were convicted inmates, and 2,098 were in pretrial or other status. Due to the thousands of arrests made during the three-month state of emergency, a new facility was opened and became part of the regular penitentiary system, expanding overall prison capacity by 500 during the year. Some prisons suffered from extreme overcrowding, while others had not reached full capacity prior to the state of emergency. The Port of Spain Prison, designed to hold 250 inmates, has historically held twice that number and was often described as having particularly poor conditions, including 10 prisoners kept in 10- by 10-foot cells and insufficient medical care. Prison officials reported that the new prison facility allowed them to begin reducing the population in Port of Spain Prison.

The government improved living conditions at the Immigration Detention Center, where detainees initially were permitted to be outside only five hours per week and conditions were worse than at the maximum-security prison. The majority of detainees were illegal immigrants who could not afford the cost of travel to their home country. The center has an intended capacity of 150 and generally held half that number. Men and women had separate facilities.

Pretrial detainees were held separately from convicted prisoners, but the remand facility became severely overtaxed during the state of emergency, and authorities eventually opened another temporary facility.

Although conditions at the women's prison were better than those in the Port of Spain men's prison, it occasionally became overcrowded, since it held both women on remand and those serving prison sentences. The daily average female prison population was 111.

Since there is no female youth facility, some underage female prisoners were placed in the custody of a Catholic facility, and others were placed in a segregated wing of the Golden Grove women's prison.

An average of 210 male juveniles were held each day separately from adults at the Youth Training Center, and fewer than 20 female juveniles were in custody at Golden Grove.

There were 2,200 prison officers. Authorities charged a number of prison officers for offenses including larceny, drug trafficking, possession of marijuana, and smuggling of contraband to prisoners.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance.

Prison authorities permit prisoners and detainees to submit complaints to judicial authorities without censorship and request investigations of credible allegations of inhumane conditions. Authorities investigated and monitored prison and detention center conditions but did not document the results in a publicly accessible manner. Prisoners can also contact the Office of the Ombudsman, which has the authority to investigate complaints related to the functions and duties of most government departments. However, in no instances did the ombudsman advocate on behalf of prisoners or detainees.

The government permitted prison visits by independent human rights observers upon approval of the Ministry of National Security, and representatives of Amnesty International visited the Port of Spain Prison and the Women's Prison in December.

d. Arbitrary Arrest or Detention.—The constitution and the law prohibit arbitrary arrest and detention. During the three-month state of emergency, the government utilized broad powers of search and seizure granted by decree.

On May 23, parliament passed an Anti-Gang Act that came into effect on August 15. The act bans membership in criminal gangs and gang-related activities as defined within the statute, and prescribes that suspects detained under the law may be held without bail for up to 120 days pending the filing of specific charges. Authorities detained approximately 450 suspects during the state of emergency pursuant to this act. The government eventually released nearly all of them when prosecutors determined that evidence of gang activity pursuant to the new law was lacking in most cases.

Authorities reported having arrested more than 7,000 persons during the state of emergency, many of whom were detained on charges ranging from unpaid traffic tickets to murder. The government established a temporary detention center that eventually became integrated into the regular penitentiary system. Many of those arrested during the state of emergency were processed through the normal criminal justice system, and significant numbers were simply released.

There were reports of abuses by police and military authorities. Military authorities investigated allegations made against several officers for using excessive force during the state of emergency, and proceedings continued at year's end.

During the year the courts made several awards in cases from prior years brought on grounds of wrongful arrest and imprisonment.

Role of the Police and Security Apparatus.—The Ministry of National Security oversees the police service, immigration division, prison service, and defense force. The police service maintains internal security, while the defense force is responsible for external security but also has certain domestic security responsibilities. During the state of emergency, the defense force aided in law enforcement, including house searches and enforcing the curfew. An independent body, the Police Service Commission, in consultation with the prime minister, appoints a commissioner of police to oversee the police force. That commission also makes hiring and firing decisions in the police service, and the ministry has little direct influence over changes in senior positions. Municipal police under the jurisdiction of 14 regional administrative bodies supplement the national police force. Public confidence in the police was very low because of high crime and perceived corruption.

The Police Complaints Authority (PCA) investigates complaints about the conduct of police officers. It received 262 complaints during the year and referred 162 of them to the chief of police. Based on the PCA's investigations, the Police Service Commission then has the power to suspend or dismiss police officers, while the Department of Public Prosecution has the power to charge officers. During the year several investigators were added to the PCA staff, which had a backlog of more than 11,000 complaints spanning the 2007-11 period. On October 1, the police also established a Professional Standards Unit to train officers and investigate complaints.

Arrest Procedures and Treatment While in Detention.—A police officer may arrest a person based on a warrant issued or authorized by a magistrate, or without a warrant if the officer witnesses the commission of an alleged offense. Detainees, as well as those summoned to appear before a magistrate, must appear in court within 48 hours. In the case of more serious offenses, the magistrate either commits the accused to prison on remand or allows the accused to post bail, pending a preliminary inquiry. Detainees were granted immediate access to a lawyer and to family members.

Ordinarily, bail was available for most minor charges. Persons charged with murder, treason, piracy, kidnapping for ransom, and hijacking, as well as persons convicted twice of violent crimes, are ineligible for bail for a period of 60 days following the charge. However, a judge may still grant bail to such persons under exceptional circumstances. Where bail was refused, magistrates advised the accused of their right to an attorney and, with few exceptions, allowed them access to an attorney once they were in custody and prior to interrogation.

The minister of national security may authorize preventive detention in order to preclude actions prejudicial to public safety, public order, or national defense, in which case the minister must state the grounds for the detention. In November the minister utilized the preventive detention rules during the state of emergency to detain 16 men described as being involved in plots to destabilize the government and assassinate government leaders. The men were freed days later, and no charges were brought.

Lengthy pretrial detention resulting from heavy court backlogs and inefficiencies in the judicial system continued to be a problem. Many persons under indictment waited months, if not years, for their trial dates in the High Court. An added inefficiency resulted from the legal requirement that anyone charged and detained must appear in person for a hearing before magistrate's court every 10 days, if only to have the case postponed for an additional 10 days pending conclusion of the investigation. Officials cited an increase in the number of arrests and an antiquated note-taking system in most magistrate's courts as explanations for the backlog.

e. Denial of Fair Public Trial.—The constitution and the law provide for an independent judiciary, and the government generally respected this provision in practice, including during the state of emergency. Although the judicial process was generally fair, it was slow due to backlogs and inefficiencies. However, prosecutors as well as judges stated that witness intimidation increased during the year.

Trial Procedures.—Magistrates try both minor and more serious offenses, but in the case of more serious offenses, the magistrate must conduct a preliminary inquiry. Trials are public, and juries are used in the High Court. Defendants have the right to be present, are presumed innocent until proven guilty, and have the right to appeal. All defendants have the right to consult with an attorney in a timely manner. An attorney is provided at public expense to defendants facing serious criminal charges, and the law requires provision of an attorney to any person accused of murder. Although the courts may appoint attorneys for indigent persons charged with serious crimes, an indigent person may refuse to accept an assigned attorney for cause and may obtain a replacement. Defendants can confront or ques-

tion witnesses against them, can present witnesses and evidence on their own behalf, and have access to government-held evidence relevant to their cases.

Both civil and criminal appeals may be filed with the Court of Appeal and, ultimately, with the Privy Council in the United Kingdom.

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

Regional Human Rights Court Decisions.—In 1999 the government withdrew from the American Convention on Human Rights. The convention states that such an action does not release a government from its obligations under the convention with respect to acts taken prior to the effective date of denunciation. From 1999 to 2009 the Inter-American Court of Human Rights issued rulings on cases predating the government's withdrawal. The government never provided any official or public reaction to these rulings.

Civil Judicial Procedures and Remedies.—The constitution and the law provide for an independent and impartial judiciary in civil matters, and citizens are free to file lawsuits against civil breaches, in both the High Court and petty civil court. The High Court may review the decisions of lower courts, order parties to cease and desist from particular actions, compel parties to take specific actions, or award damages to aggrieved parties. However, the petty civil court is authorized to hear only cases involving damages of up to TT$15,000 ($2,400).

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and the law prohibit such actions except during a state of emergency, when authorities had the power to search vehicles, homes, and businesses without a warrant. During the state of emergency, the government conducted searches without warrants but generally limited such searches to high-crime areas in an effort to confiscate illegal firearms and narcotics.

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 of the press.

Censorship or Content Restrictions.—The law prohibits acts that would offend or insult another person or group on the basis of race, origin, or religion or that would incite racial or religious hatred. This law was not invoked during the year.

On October 25, a television program broadcast a video allegedly showing the rape of a 13-year-old girl. The host of the program apologized but was accused of violating the Telecommunications Act and the Sexual Offences Act. On December 29, police searched the offices of the television station that broadcast the show and questioned several employees. The investigation continued 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 government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The constitution and the law provide for freedom of assembly and association. However, during the state of emergency, authorities prohibited most public assemblies, including organized labor marches, political rallies, and religious events. Some events, such as a charity walk, were permitted, but permission was difficult to arrange on a timely basis.

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 various laws provide for freedom of movement within the country, foreign travel, emigration, and repatriation. However, during the state of emergency, the government initially imposed a 9 p.m. to 5 a.m. curfew in six areas of the country including the capital. Authorities later reduced the curfew to 11 p.m. to 4 a.m.

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 government has not passed legislation to implement its obligations under the relevant U.N. conventions. The government placed asylum seekers in the care of the Living Water Community (LWC), a local Catholic social services agency, while their cases were reviewed by the UNHCR and final resolution reached. Pending Parliament's approval of implementing legislation, the Ministry of National Security's Immigration Division handled all requests for asylum on a case-by-case basis. However, it took as long as four years for the government to provide identification cards or work permits to persons granted refugee status, due to a lengthy bureaucratic process. At year's end 23 persons recognized as refugees were in the care of the LWC.

Temporary Protection.—The government did not provide temporary protection to persons who may not qualify as refugees. The LWC provided social services to 12 persons whose asylum applications were pending, six of whom were new filers. The LWC reported that many persons who filed petitions eventually abandoned their applications and left the country, or simply walked away from the LWC, because of the lack of guaranteed protection.

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

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

Elections and Political Participation.—Recent Elections.—The Caribbean Community observers found the May 2010 national elections to be generally free and fair. However, during the campaign, there were isolated incidents of vandalism and violence, and the then prime minister required all television stations to broadcast an interview without paying. Citizens voted the incumbent party out of office and elected the People's Partnership coalition, which secured 29 of the 41 parliamentary seats. The PNM won 12 seats.

Participation by Women and Minorities.—Voters elected 12 women to the House of Representatives, and there were seven women in the appointed 31-member Senate. There were four women in the 28-member cabinet, including the prime minister. There were 11 female judges among the 38 judges on the High Court and the Court of Appeals.

All major political parties reached out to voters from relatively small ethnic minorities, such as the Chinese, Syrian, Lebanese, and European-origin communities, and members of these groups held important positions in government. There was one member of these minorities, of Arab ancestry, in the legislature.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. However, the World Bank's worldwide governance indicators reflected that government corruption was a problem.

The Integrity in Public Life Act mandates that public officials disclose their assets, income, and liabilities to an Integrity Commission. Officials and candidates for public office were reluctant to comply with asset disclosure rules, primarily because of the perceived invasiveness of the process. The act articulates a process when public officials fail to disclose assets, and by year's end the commission had publicly listed in the newspaper 145 officials who had failed to comply.

Police corruption continued to be a problem, with some officials acknowledging there were officers who participated in corrupt and illegal activities. There were allegations that some officers had close relationships with gang leaders. Prison guards were required to pass through screening devices to prevent the smuggling of contraband.

In October the government announced it would initiate civil actions against the former executive director of the Urban Development Corporation of Trinidad and Tobago, Calder Hart, seeking millions in financial compensation for alleged corruption.

On November 7, a trial judge rejected a warrant to extradite businessmen Ishwar Galbaransingh and Steve Ferguson on corruption charges related to the construction of Piarco Airport. On December 19, the attorney general announced the government would not appeal the ruling and that the two men faced criminal charges in the country.

In 2008 the Privy Council in the United Kingdom ordered a new trial for former U.N. party chairman Basdeo Panday stemming from his 2006 conviction for failing to disclose a London bank account. This retrial was delayed by a series of appeals but reconvened in June. In December a judge postponed the trial until May 14, 2012, pending resolution of unspecified court administrative constraints.

The Freedom of Information Act provides for public access to government documents, upon application. Critics charged, however, that a growing number of public bodies have been exempted from the act's coverage, which the government claimed was necessary to reduce the volume of frivolous requests. Critics also noted the act does not have any enforcement mechanism if the government does not respond within the prescribed 30-day time frame.

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

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

Government Human Rights Bodies.—The ombudsman investigates citizens' complaints concerning the administrative decisions of government agencies. Where there is evidence of a breach of duty, misconduct, or criminal offense, the ombudsman may refer the matter to the appropriate authority. The ombudsman has a quasi-autonomous status within the government and publishes a comprehensive annual report. Both the public and the government had confidence in the integrity and reliability of the Office of the Ombudsman and the ombudsman's annual report.

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

The government generally respected in practice the constitutional provisions for fundamental human rights and freedoms for all without discrimination based on race, origin, color, religion, social status, or gender.

Women.—Rape and Domestic Violence.—Rape, including spousal rape, is illegal and punishable by up to life imprisonment; however, the courts often handed down considerably shorter sentences. The government and nongovernmental organizations (NGOs) reported that many incidents of rape and other sexual crimes were unreported, partly due to perceived insensitivity on the part of the police. The Crime and Problem Analysis Branch of the police service reported 512 cases of rape, incest, and sexual assault during the year.

Many community leaders asserted that abuse of women, particularly in the form of domestic violence, continued to be a significant problem. Some NGOs worried the curfew imposed during the state of emergency may have exacerbated the problem by forcing abusive spouses to remain home with their families.

The law provides for protection orders separating perpetrators of domestic violence, including abusive spouses and common-law partners, from their victims. Abusive spouses can also be fined or imprisoned. While reliable national statistics were not available, women's groups estimated that 20 to 25 percent of all women suffered abuse.

The NGO Coalition against Domestic Violence charged that police often were lax in enforcing domestic violence laws and asserted that rape and sexual abuse against women and children remained a serious and pervasive problem.

The Division of Gender Affairs (DGA) in the Ministry of Community Development, Culture, and Gender Affairs operated a 24-hour hotline for victims of rape, spousal abuse, and other violence against women, referring callers to eight shelters for battered women, a rape crisis center, counseling services, support groups, and other assistance.

Sexual Harassment.—No laws specifically prohibit sexual harassment. Although related statutes could be used to prosecute perpetrators of sexual harassment, and some trade unions incorporated antiharassment provisions in their contracts, both the government and NGOs continued to suspect that many incidents of sexual harassment went unreported.

Reproductive Rights.—Couples and individuals had the right to decide the number, spacing, and timing of children and had the information and means to do so free from discrimination. Access to information on contraception and maternal health was widely available from health-care providers and online sources. According to the U.N. Population Fund, 98 percent of births were attended by skilled health personnel and 38 percent of women ages 15-49 used a modern method of contraception. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections.

Discrimination.—Women generally enjoyed the same legal rights as men, including employment, education, and inheritance rights. No laws or regulations require equal pay for equal work. While equal pay for men and women in public service was the rule rather than the exception, both the government and NGOs noted considerable disparities in pay between men and women in the private sector, particularly

in agriculture. According to the World Economic Forum's 2010 Global Gender Gap Report, women earned 33 percent less than men on average.

The DGA had primary government responsibility for protecting women's rights and advancement and sponsored income-generation workshops for unemployed single mothers, nontraditional skills training for women, and seminars for men on redefining masculinity.

Children.—Birth Registration.—Children acquire nationality by birth; every person born in the country is a citizen at the date of birth, unless the parents are foreign envoys accredited to the country. Children born outside the country can become citizens at birth if on that date one or both of the parents is, or was, a citizen. The law provides that every child born alive must be registered within 42 days of birth.

Child Abuse.—The Domestic Violence Act provides protection for children abused at home. The Ministry of Education's Student Support Services Division reported that young schoolchildren were vulnerable to rape, physical abuse, and drug use and that some had access to weapons or lived with drug-addicted parents. Abused children removed from the home were first assessed at a reception center for vulnerable children and then placed with relatives, government institutions, or NGOs.

The Coalition against Domestic Violence operated Childline, a free and confidential telephone hotline for at-risk or distressed children and young persons up to age 25. In March Childline partnered with the Ministry of Education and the Ministry of the People and Social Development to become the National Child Hotline. The ministries promoted the hotline in schools, and the hotline increased its hours of operation from 16 hours a day to 24 hours a day seven days a week. These two changes resulted in a drastic increase in the number of calls. During the year Childline received 33,219 calls, 68 percent from females and 32 percent from males. Of genuine calls, 35 percent involved abuse; of those 78 percent were related to physical abuse, and 22 percent to sexual abuse. Childline referred 689 calls to the police or to social service agencies.

The law defines a child as less than 18 years of age, outlaws corporal punishment for children, and prohibits sentencing a child to prison. Several children were abused in their own homes or in institutional settings. In January the Ministry of Education reported 58 teachers were facing disciplinary charges, including some cases of sexual abuse. The National Parent Teacher Association called for strengthening the Teaching Service Tribunal to better investigate claims of abuse.

Child Marriage.—The legal age for marriage is 18 for both men and women. However, in practice the minimum legal age for marriage is determined by the distinct laws and attitudes of the various religious denominations. Under the Muslim Marriage and Divorce Act, the minimum legal age for marriage is 16 for men and 12 for women; the Hindu Marriage Act and the Orisa Marriage Act set the minimum legal age for marriage at 18 for men and 16 for women.

In November the government held a national consultation on the standardization of the legal age for marriage. Minister of Gender, Youth, and Child Development Verna St Rose-Greaves said the country's four marriage acts conflict with international conventions to which the country is a signatory and called for a review of the laws among all interest groups to ensure protection of all the country's children.

Sexual Exploitation of Children.—Children between the ages of 16 and 18 were suspected of being engaged in prostitution. The law provides a penalty of up to 15 years' imprisonment for anyone who procures a child under 16 for prostitution.

Statutory rape is illegal. The age of sexual consent is 16 years for males and females; however, this does not apply if the parties are married. The law required parents and guardians to report to the police when they have reasonable grounds to suspect a sexual offense was being committed. In October authorities charged a mother for failing to report her 15-year-old daughter's sexual activity. Persons found guilty of statutory rape can be sentenced from 12 years to life in jail. Child pornography is illegal, and penalties for pornographers include a fine of TT$2,000 ($320) and four months' imprisonment.

International Child Abductions.—The government is a party to the 1980 Hague Convention on International Child Abduction. For country-specific information, see http://travel.state.gov/abduction/country/country—3781.html.

Anti-Semitism.—The Jewish community was very small. There were no reports of anti-Semitic acts.

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

Persons With Disabilities.—There are no statutes either prohibiting discrimination on the basis of disability or mandating equal access for persons with disabilities to

the political process, employment, education, transportation, housing, health care, or other citizen services.

In practice persons with disabilities (an estimated 16 percent of the population) faced discrimination and denial of opportunities in the form of architectural barriers, employer reluctance to make necessary accommodations that would enable otherwise qualified job candidates to work, an absence of support services to assist children with special needs to study, lowered expectations of the abilities of persons with disabilities, condescending attitudes, and disrespect.

Transportation was a particular concern, with only two buses accessible by persons with disabilities for a special on-call transportation service. A majority of bus stops were located on high sidewalks without ramps. Most government buildings and public places were not accessible. There were no restrictions on access to information, communications, voting, or participation in civic affairs.

Indigenous People.—A very small group of persons identified themselves as descendants of the country's original Amerindian population. The government effectively protected their civil and political rights, and they were not subject to discrimination.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—Although the law criminalizes consensual same-sex sexual activity, providing penalties of up to 25 years' imprisonment, the government generally did not enforce such legislation, except when paired with more serious offenses such as rape. Immigration laws also bar the entry of lesbian, gay, bisexual, or transgender (LGBT) persons into the country, but the legislation was not enforced.

The Equal Opportunities Act does not specifically include LGBT persons, and in fact it specifically excludes sexual orientation. Other laws, including the Domestic Violence Act and the Cohabitational Relationship Act, also include language that excludes same-sex partners from the laws' protections. LGBT rights groups reported that there remained a stigma related to sexual orientation in the country. There were no gay marches, although LGBT rights groups attended some election events with signs and clothing indicating their membership. LGBT rights groups reported individual cases of violence against LGBT persons, including cases where they were lured to a venue by Internet advertisements and then beaten. LGBT rights groups also reported a reluctance to report crimes to the police for fear of harassment by the police and court officials.

Other Societal Violence or Discrimination.—HIV/AIDS was viewed as a significant medical concern for the government and society. Incidents of violence against this group were isolated events, and the Ministry of Labor partnered with the International Labor Organization to launch an HIV antidiscrimination program in the workplace.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law provides that all workers, including those in state-owned enterprises, may form and join independent unions of their choosing without prior authorization. Employees in essential services, such as police and teachers, do not have the right to strike, and walkouts can bring punishment of up to 18 months in prison. These employees negotiate with the government's chief personnel officer to resolve labor disputes. The law stipulates that only strikes over unresolved interest disputes may take place and that strikes may be prohibited at the request of one party if not called by a majority union.

The law also provides for mandatory recognition of a trade union when it represents 51 percent or more of the workers in a specified bargaining unit. The law allows unions to participate in collective bargaining and mandates that workers illegally dismissed for union activities must be reinstated.

The government's Registration and Certification Board determines whether a given workers' organization meets the definition of a bargaining unit and can limit union recognition by this means. The law does not recognize domestic workers (for example, maids, chauffeurs, and gardeners), and they do not have the right to join a union.

According to the International Trade Union Confederation, collective bargaining was restricted by the requirement that, to obtain bargaining rights, a union must have the support of an absolute majority of workers. Furthermore, collective agreements must be for a minimum of three years, making it almost impossible for workers on short-term contracts to be covered by such agreements.

According to the National Trade Union Center, the requirement that all negotiations must go through the Public Sector Negotiation Committee, rather than with

the individual government agency or government-owned industry, is another onerous restriction that adds significant time delays. Some unions claimed that in practice the government undermined the collective bargaining process by pressuring the committee to offer raises of no more than 5 percent over three years. The government denied this assertion.

The government enforced labor laws effectively. Worker organizations were independent of government and political parties in practice. A union may bring a request for enforcement to the Industrial Court, which may order employers found guilty of antiunion activities to reinstate workers and pay compensation or may impose other penalties, including imprisonment. In December the cement workers union successfully challenged an injunction requiring them to return to work.

The government was consistently unwilling to negotiate with public sector unions. There were also heavy restrictions on strikes in practice. During the state of emergency, authorities denied unions permission to demonstrate or march. At other times, however, workers in nonessential services, such as the oil industry and the ports, both participated in industrial actions during the year.

b. Prohibition of Forced or Compulsory Labor.—The law does not specifically prohibit forced or compulsory labor. In April the government returned three Indian nationals to their country after they were reportedly trafficked and forced to work under onerous conditions by a Trinidadian businessman.

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 in public and private industries at 16. However, children ages 14 to 16 may work in activities in which only family members are employed or that have been approved as vocational or technical training by the minister of education. Children under age 18 are prohibited from working between the hours of 10 p.m. and 5 a.m., except in a family enterprise or within other limited exceptions. Violation of these regulations is punishable by fines.

The Ministry of Labor and Small and Micro Enterprise Development and the Ministry of the People and Social Development are responsible for enforcing child labor laws. The government trained 19 inspectors to identify cases of child labor. The minister of labor may designate an inspector to gather information from parents and employers regarding the employment of a person under 18. The Industrial Court may issue a finding of contempt on anyone obstructing the inspectors' investigation. Although the government was generally effective in enforcing child labor laws, there were isolated reports of children working in agriculture or as domestic workers.

The Ministry of the People and Social Development continued to slowly implement its Revised National Plan of Action for Children. The government did not have comprehensive mechanisms for receiving, investigating, and resolving child labor complaints. Consequently, it was unclear how many complaints related to child labor were received and if any children who work might have been involved in exploitive labor situations. However, available information suggested that some children engaged in the worst forms of child labor in the small-scale agricultural sector and domestic service.

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 TT$9 ($1.43) per hour, although actual wages varied considerably among industries. The government estimated that 200,000 people lived below the poverty line.

The law establishes a 40-hour workweek, a daily period for lunch or rest, and premium pay for overtime. The law does not prohibit excessive or compulsory overtime. The law provides for paid leave with the amount of leave varying according to length of service.

The law sets occupational health and safety standards, which are enforced by the Occupational Safety and Health Agency. However safety standards were not always observed; during the year two employees of the Trinidad and Tobago Electricity Commission were killed on the job. Comprehensive nationwide data on workplace deaths were not available.

The government sets occupational health and safety regulations that apply to all workers, regardless of citizenship. Foreign laborers brought into the country were generally protected by local labor laws, a stipulation usually contained in their labor contract.

The law protects workers who file complaints with the Labor Ministry regarding illegal or hazardous working conditions. If complainants refuse to comply with an order that would place them in danger, and if it is determined upon inspection that

hazardous conditions exist in the workplace, the complainants are absolved from blame.

URUGUAY

EXECUTIVE SUMMARY

The Oriental Republic of Uruguay is a constitutional republic with an elected president and a bicameral legislature. The country has a multiparty electoral system with three major parties. In November 2009, in a free and fair runoff election, Jose Mujica won a five-year presidential term and his Frente Amplio party a majority in parliament. Mujica assumed office in March 2010. Security forces reported to civilian authorities.

Principal human rights abuses included severe overcrowding, inhumane conditions, and disrepair in the prison system, as well as violence against women.

Other problems included widespread use of extended pretrial detention, some trafficking in persons, and societal discrimination against the Afro-Uruguayan minority.

The government took steps to prosecute officials who committed abuses, and there were no reports of impunity during the year. On November 1, President Mujica signed a bill into law that classifies crimes committed during the military dictatorship as crimes against humanity, thus eliminating their statute of limitations, which was set to expire that same day.

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

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

The government continued to investigate the serious human rights violations committed during the 1973-85 military dictatorship. In September the Supreme Court of Justice confirmed a 2009 judgement sentencing former military dictator Gregorio Alvarez to 25 years' imprisonment for coauthoring aggravated homicides and disappearances. In June President Mujica issued a proclamation opening the door for judicial investigation into more than 80 human rights violations allegedly committed during the 1973-85 military dictatorship. The decree effectively overturned the Expiry Law that granted amnesty to military and law enforcement officials following the 1985 return to democracy.

On August 31, an appeals court confirmed the sentences of General Miguel Dalmao and Colonel Jose Chialanza, who were convicted in 2010 for the aggravated murder in 1974 of Nibia Sabalsagaray during the military dictatorship.

In October retired military officers Arturo Aguerre and Antonio Gomez Grana were charged for their involvement in the torture and murder of an Argentine in 1973. Trials were pending at year's end.

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

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

Six Uruguayan marines who were part of the U.N. peacekeeping mission in Haiti were accused of sexually abusing an 18-year-old Haitian boy on July 20. The soldiers were repatriated on September 16 and brought to trial by the Uruguayan Military Tribunal. The military court adopted the preliminary findings of the U.N. investigation, concluding there were no signs of sexual or physical violence. However, the judge found that the marines had violated several rules of conduct and on September 18 convicted the soldiers of offenses such as "disobedience," "abandonment of post," and "omission of service." The marines, who faced sentences ranging from four months to four years in prison, were also charged by a civilian criminal court, where prosecution was pending at year's end.

Prison and Detention Center Conditions.—Prison conditions continued to be poor, posing threats to the health and, sometimes, lives of prisoners. Overcrowding and understaffing in some facilities resulted in problems related to sanitation, ventilation, temperature, lighting, access to potable water, and health. Fire hazards continued due to handcrafted heaters that often set makeshift partitions on fire. Additionally, many basic necessities were lacking; prisoners depended on visitors for enough food to reach the daily minimum caloric intake and for clothing. Prisoner-on-prisoner violence continued to be a problem, partially due to the lack of a separate, high-security prison for violent criminals. There were 11 deaths in prisons during the year.

The government reported a total of 9,324 prisoners (8,597 men and 727 women), of whom 35 percent had been sentenced and 65 percent were awaiting trial. Pretrial detainees and convicted criminals were held together, but female and male prisoners were held in separate facilities. Prison conditions for women and men did not differ appreciably. At year's end, 62 children lived in prison facilities with their inmate mothers.

The General Assembly elects a prison system ombudsman, who is responsible for monitoring and reporting to parliament on prison conditions in the nation's 29 detention centers. This ombudsman receives complaints from prisoners and may present reports and recommendations but may not act on behalf of prisoners and detainees to consider such matters as alternatives to incarceration for nonviolent offenders to alleviate overcrowding. The ombudsman presents an annual report with observations and recommendations.

Visitors had reasonable access to prisoners, and detainees and prisoners were permitted religious observance. The government allowed general prison visits by independent human rights observers, nongovernmental organizations (NGOs), religious congregations, and foreign diplomats, and such visits occurred unimpeded during the year.

The government investigated and monitored prison and detention center conditions. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. There was one case of excessive use of force by the police in June. Authorities investigated the allegations, but results were not released.

After a four-day visit in July, Rodrigo Escobar Gil, the OAS Inter-American Human Rights Committee (IACHR) special rapporteur on prison conditions, issued a report noting that overcrowding (prison population at 129 per cent of capacity) was "one of the most serious" prison problems. He also observed that infrastructure, sanitation, and hygiene conditions at the Comcar Prison were "absolutely inadequate for housing human beings." The report described conditions at Comcar Prison as inhumane due to extreme overcrowding (3,000 inmates in a facility built for 1,624). Escobar reported drug trafficking and use in prisons, particularly among those ages 18 to 25. The report also criticized the excessive use of "preventive prison" measures-the practice of holding prisoners considered dangerous after the completion of their sentences.

The special rapporteur's report highlighted government actions to improve the prison system, such as the creation of facilities for 2,000 more inmates in 2010 and the closure of the steel container cells at Libertad Prison in May. The report also commended conditions at Punta de Rieles Prison, which was inaugurated in December 2010.

The prison ombudsman's report also identified some positive trends. It highlighted an increase in prisoners in open prisons in each province where the detainees were involved in maintaining small land holdings, the continuation of a successful clinic in one of the country's largest prisons, and advances in providing primary education to inmates. The ombudsman reported that 25 percent of prisoners in the 29 detention centers study or work. In September the government closed the antiquated Cabildo women's prison. Its 420 inmates were transferred to the National Rehabilitation Center and segregated according to the severity of the crime each had committed.

The law sets forth rules to humanize the prison system and address overcrowding. In 2010 the government enacted a prison emergency law that allocated extra budget and resources to a restructuring of the prison system, including building 2,000 more spaces for prisoners by 2015.

The Uruguayan Institute for Adolescents and Children (INAU) is tasked with protecting abandoned and orphaned children under age 18. INAU employs a mixed system of open and closed facilities according to the seriousness of the crime committed. Due to frequent and often successful escape attempts, INAU increased security measures in its facilities, leading to more overcrowding. INAU reported that 450 juveniles were incarcerated, although the system has a maximum capacity of 330 places. Female juvenile criminals were processed and held in separate detention centers. The prison system ombudsman does not address the confinement of juvenile offenders.

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 National Police under the Ministry of the Interior maintain internal security. The armed forces are responsible for external security. 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.—Persons were apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official and brought before an independent judiciary. The law provides detainees with the right to a prompt judicial determination of the legality of detention and requires that the detaining authority explain the legal grounds for the detention. Police may hold a detainee incommunicado for 24 hours before presenting the case to a judge, at which time the detainee has the right to counsel. The law stipulates that confessions obtained by police prior to a detainee's appearance before a judge and attorney are not valid. A judge must investigate any detainee's claim of mistreatment. A lawyer assigned to each police station reports to the Ministry of the Interior concerning the treatment of detainees.

For a detainee who cannot afford a lawyer, the court appoints a public defender at no cost to the detainee. Judges rarely granted bail for persons accused of crimes punishable by at least two years in prison. Most persons facing lesser charges were not jailed. Detainees were allowed prompt access to family members.

Pretrial Detention.—The IACHR special rapporteur's report expressed concern about the "widespread use of pretrial detention for periods that often exceed what is reasonable." The report cited official data from the Ministry of the Interior indicating that (as of June 30) 65 percent of the country's inmates were awaiting trial. Some detainees spend years in jail awaiting trial, and the uncertainty and length of detention contributed to tensions and psychological stress in the prisons. The use of pretrial detention is mandatory for particular crimes, and trial delays were caused by lengthy legal procedures, large numbers of detainees, and staff shortages.

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

Trial Procedures.—The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence. Juries are not used; trial proceedings usually consist of written arguments to the judge, which normally are not made public. Defendants have the right to consult an attorney in a timely manner, and those who do not have an attorney are provided one at the state's expense. Only the judge, prosecutor, and defense attorney have access to all documents that form part of the written record. Defendants can confront or question witnesses against them and/or present witnesses and evidence on their behalf. Individual judges may elect to hear oral arguments, but most judges choose the written method, a major factor slowing down the judicial process. Criminal trials are held in a circuit court. Defendants have a right of appeal. The law extends these rights to all citizens.

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

Regional Human Rights Court Decisions.—In March the Inter-American Court of Human Rights condemned Uruguay for the 1976 disappearance of Maria Claudia Garcia, pregnant daughter-in-law of the Argentine poet Juan Gelman, and for the suppression of identity of his granddaughter Macarena Gelman. The court ordered the government to pay compensation to the family, and in September the government agreed to provide a $500,000 settlement.

Civil Judicial Procedures and Remedies.—There are transparent administrative procedures to handle complaints of abuse by government agents. An independent and impartial judiciary handles civil disputes, but its decisions were ineffectively enforced. Local police lacked the training and manpower to enforce restraining orders, which were often generated during civil disputes.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Status of Freedom of Speech and Press.—The law provides for freedom of speech and press, and the government generally respected this right 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 reports that the government monitored e mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

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

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

c. Freedom of Religion.—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 internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern.

Exile.—The law provides that in extreme cases of national emergency an individual may be given the option to leave the country as an alternative to trial or imprisonment, but this option has not been exercised in at least two decades.

Protection of Refugees.—Access to Asylum.—The law provides for the granting of refugee status. Through its Refugee Commission, the government has established a system for adjudicating asylum claims, providing protection to refugees, and finding durable solutions, including resettlement. Most persons in need of international protection may find it under the country's definition of a refugee.

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 November 2009 Jose Mujica of the Frente Amplio (Broad Front) coalition won a five-year presidential term in a free and fair runoff election. The runoff followed a series of party primaries in June 2009 and a free and fair first-round election among the four leading parties in October 2009. President Mujica took office in March 2010. In parliamentary elections in October 2009, the Frente Amplio won 16 of 30 seats in the Senate and 50 of 99 seats in the House of Representatives.

Participation of Women and Minorities.—Women participated actively in the political process and government, although primarily at lower and middle levels. Four senators and 15 representatives were women. One of the 13 cabinet ministers was a woman. There were no members of minorities in parliament and one minority member in the cabinet.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were some formal and informal reports of police corruption, which authorities addressed with appropriate legal action.

Public officials are subject to financial disclosure laws. A government commission on economic and financial matters collects sworn financial statements from public servants, including the president.

The government requires all government agencies to produce regular public reports. All agencies complied with these reporting requirements. The 2008 Access to Public Information Act created the Access to Public Information Unit, an organization that promotes government transparency.

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

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

Government Human Rights Bodies.—The Commission Against Racism, Xenophobia, and All Forms of Discrimination, headed by the Ministry of Education and Culture's director for human rights, includes government, religious, and civil society representatives. The commission is responsible for proposing policies and specific measures to prevent and combat racism, xenophobia, and discrimination. Between its creation in 2007 and March 2010, the commission investigated 70 cases of alleged discrimination from Afro-Uruguayans, persons with disabilities, and lesbian,

gay, bisexual, and transgender (LGBT) persons. However, the commission has had no allocated budget since the Mujica administration assumed office in March 2010. NGOs asserted that the commission did not react to several high-profile discrimination cases 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 generally enforced these prohibitions effectively, although societal discrimination against some groups persisted.

Women.—Rape and Domestic Violence.—The law criminalizes rape, including spousal rape. The law allows for sentences of two to 12 years' imprisonment for a person found guilty of rape. According to Ministry of the Interior statistics, between January and July, there were 127 reported cases of rape and 42 reported cases of attempted rape. The Ministry of the Interior believed some victims of rape did not report such incidents because of failure to understand their rights and fear of social stigma or retribution.

The law criminalizes domestic violence, including physical, psychological, and sexual violence. In December the Ministry of the Interior reported approximately12,000 cases of domestic violence, of which 38 cases resulted in killing. The law allows for sentences of six months to two years in prison for a person found guilty of committing an act of violence or making continued threats to cause bodily injury to persons related emotionally or legally to the perpetrator. Civil courts decided most of the domestic cases during the year. Judges in these cases often issued restraining orders, which were difficult to enforce. In many instances, courts did not apply criminal penalties.

The government operates domestic violence units in police headquarters in the interior, which are funded and staffed taking into account the prevalence of domestic violence in each province. There are five shelters available to women who are victims of domestic violence, but most services are located in Montevideo. One shelter opened in November in the northeast city of Salto.

The Montevideo municipal government funded a free nationwide hotline operated by trained NGO employees for victims of domestic violence. The Ministry of Social Development, INAU, and NGOs operated shelters in which abused women and their families could seek temporary refuge.

Sexual Harassment.—The law prohibits sexual harassment in the workplace and punishes it by fines or dismissal. The law establishes guidelines for the prevention of sexual harassment in the workplace and in student-professor relations and defines a system of damages for victims.

Reproductive Rights.—Couples and individuals had the right to decide freely the number, spacing, and timing of their children and had the information and means to do so free from discrimination, coercion, and violence. Access to information on contraception and skilled attendance at delivery and in postpartum care were widely available. An estimated 75 percent of births are attended by skilled personnel. Women and men had equal access to diagnostic services and treatment for sexually transmitted infections.

Discrimination.—Under the law, women enjoy the same rights as men, including rights under family and property law. In practice women faced discrimination stemming from traditional attitudes and practices, and no gender discrimination cases have ever been litigated. The National Institute for Women supervised the work of a Tripartite Committee on Equal Opportunities and Employment, which includes a subcommittee on gender consideration in salaries and benefits. Women constituted almost half of the workforce but tended to be concentrated in lower-paying jobs, with salaries averaging two-thirds those of men.

Children.—Birth Registration.—Citizenship is derived by birth within the country's territory or through one's parents. The government immediately registers all births.

Child Abuse.—There were few reports of physical or sexual child abuse.

Sexual Exploitation of Children.—The minimum age for consensual sex is 12. When a sexual union takes place with a minor under the age of 15, violence is presumed and statutory rape laws, which carry a penalty of two to 12 years in prison, can be applied. However, minors between the ages of 12 and 15 can legally agree to consensual sex; if they consent, any presumed violence is waived. Penalties for pimping children range from four to 16 years in prison. Child pornography is illegal, and penalties range from one to six years in prison. Some children were subjected to prostitution.

International Child Abductions.—The country is 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 Jewish Central Committee estimated the Jewish population at 18,000 to 20,000. There were few reports of anti-Semitic acts. Incidents included the vandalizing of a Jewish memorial site and the writing of anti-Semitic comments by a blogger on the Web site of a national newspaper. Jewish leaders reported effective cooperation with police investigating incidents of anti-Semitism.

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, the government did not effectively enforce these provisions or promote programs to ensure access to buildings, information, and communications. Persons with disabilities reported discrimination in employment despite government efforts to assist in individual cases. While it did not discriminate against persons with disabilities, the government did not provide sufficient services such as accessible transportation.

The Uruguayan Institute for Educational Psychology reported that school-age children with disabilities, such as blindness or Down syndrome, received specially adapted laptops under Plan Ceibal (the Uruguayan One Laptop per Child program).

A national disabilities commission oversees implementation of a law on the rights of persons with disabilities. The law mandating accessibility for persons with disabilities to new buildings or public services was not consistently enforced. The law reserves 4 percent of public-sector jobs for persons with physical and mental disabilities, but the quota went unfilled.

*National/Racial/Ethnic Minorities.*The country's Afro Uruguayan minority continued to face societal discrimination. A National Bureau of Statistics study found that Afro-Uruguayans comprised 11 percent of the population and indigenous descendents constituted another 3 percent. A 2011 government report indicated that 80 percent of Afro-Uruguayans were poor. The study concluded that race was one of the factors responsible for socioeconomic inequality in the country. The NGO Mundo Afro stated that the percentage of Afro Uruguayans working as unskilled laborers was much larger than that for members of other groups. Afro-Uruguayans were underrepresented throughout government and academia and in the middle and upper echelons of private-sector firms.

The Mujica administration's five-year budget plan eliminated the advisory positions filled by Mundo Afro under the previous administration in all but two ministries. In 2010 the government created a commission to draft the first National Plan against Racism and Discrimination, but the commission did not produce any results during the year. The government continued its outreach to the Afro-Uruguayan community to encourage participation in the Quijano Scholarship Program for postgraduate work. However, Mundo Afro stated that this program had little impact since only 1 percent of Afro-Uruguayans attended college. The National Police Academy has included discrimination awareness training as part of its curriculum since 2008.

In 2011 Mundo Afro initiated a radio talk show and conducted other activities to raise awareness of racism and discrimination issues. Other outreach efforts included a pilot course to raise awareness about discrimination during U.N. Peace Missions at the National School for Peace Keeping Operations of Uruguay.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—No laws criminalize sexual orientation, and authorities generally protected the rights of the LGBT community. Hate crimes were rare, but there were isolated reports of street violence against individuals leaving gay bars; the police did not intervene in these incidents. Colectivo Ovejas Negras (Black Sheep Collective), an LGBT rights NGO, claimed that during the year incidents occurred for which police refused to file reports on discrimination and street violence. The NGO also asserted that in the provinces there were acts of violence and degradation by the police against transgender persons who are legally registered prostitutes. There were occasional reports of nonviolent societal discrimination based on sexual orientation and gender identity.

The Public Health Service Administration worked with LGBT NGOs to give workshops and public awareness training for health workers to create health centers free of prejudice and discrimination.

In July two gay men were forced to leave a bar for kissing in public. The men filed a suit against the owner of the bar, but the court dismissed the suit.

On September 15, authorities at the Uruguayan University of Work removed the director of a technical school in Maldonado Province after she defined on a local television show "homosexuality" as a "disease," adding that "gay teachers should be supervised to prevent them from transmitting the disease to students." A local NGO filed a legal complaint against her, which was pending at year's end.

Other Societal Violence or Discrimination.—There were isolated reports of societal 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 independent unions, conduct legal strikes, and bargain collectively. Civil servants, employees of state-run enterprises, private-enterprise workers, and legal foreign workers may join unions. The law regulates collective bargaining and grants the government a large role in adjudicating labor disputes. The law also designates trade unions to negotiate on behalf of workers whose companies are not unionized. The law prohibits antiunion discrimination and requires employers to reinstate workers fired for union activities and pay an indemnity to such workers. In addition, if an employer contracts employees from a third-party firm, the law holds the employer responsible for possible labor infringements committed by the third-party firm. The law allows unions to conduct their activities without government interference.

The Ministry of Labor's Collective Bargaining Division investigates antiunion discrimination claims filed by union members. There were generally effective albeit lengthy mechanisms for resolving workers' complaints against employers. In 2010 a law that shortened procedures for resolving disputes took effect. Under the law, an employer is informed in advance of the reason for the claim and the alleged amount owed to the worker. However, the Supreme Court of Justice ruled that certain articles of the law are unconstitutional, prompting the enactment of an amendment to the law in November. The amendment grants the defense more time to respond to the complaint in court and simplifies appeal procedures. In practice, the processes to resolve disputes were shorter, but still lengthy.

Worker organizations operated free of government regulation and independent of the government and political parties. Collective bargaining was freely practiced, and workers also exercised the right to strike in practice. There were no reports of antiunion discrimination.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor. The government did not effectively enforce the law in all cases. The government did not report identifying or investigating any cases of 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 protects children against exploitation in the workplace. The law prohibits minors under the age of 15 from working. Minors ages 15 to 18 require government permission to work and must undergo physical exams to identify possible exposure to job-related physical harm. Permits are not granted for hazardous or fatiguing work. Children ages 15 to 18 may not work more than six hours per day within a 36 hour workweek and may not work between 10 p.m. and 6 a.m.

The Ministry of Labor and Social Security is responsible for enforcing child labor laws. Violations of child labor laws are generally punishable by fines but may extend to imprisonment of three months to four years. Enforcement was difficult due to a lack of resources and because most child labor occurred in the informal sector.

INAU implemented policies to prevent and regulate child labor and provided training on child labor issues. INAU also worked closely with the Ministry of Labor and Social Security to investigate complaints of child labor, and with the Ministry of Interior to prosecute cases. INAU had five trained child labor inspectors to handle an estimated 1,100 inspections per year.

The government's National Committee for the Eradication of Child Labor implemented public awareness campaigns throughout the country.

Child labor was reported in activities such as street vending, garbage collection and recycling, construction, and in agriculture and forestry, areas generally less strictly regulated and where children work with their families. The Ministry of Social Development estimated there were 20,000 children collecting garbage alongside their parents. The National Census Bureau presented the results of a survey of child labor, which characterized 75 percent of the work performed by children ages five to17 as dangerous because it involved the use of machinery or tools and lifting

heavy weights. The report stated that 0.2 percent of children ages five to 17 begged for a living.

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 6,000 pesos (approximately $300) , but it functioned more as an index for calculating wage rates than as a true measure of minimum subsistence levels. The official poverty income level varied based on locations and size of family but was approximately 5,940 pesos ($297) per person per month.

The standard workweek ranged from 44 to 48 hours, depending on the industry, and employers were required to give workers a 36 hour block of free time each week. The law stipulates that industrial workers receive overtime compensation for work in excess of 48 hours per week, entitles workers to 20 days of paid vacation after a year of employment and to paid annual holidays, and prohibits compulsory overtime beyond a maximum 50 hour workweek.

The Ministry of Labor and Social Security sets occupational safety and health standards. However, some regulations cover urban industrial workers more adequately than rural and agricultural workers. Under the law, workers have the right to remove themselves from what they consider hazardous conditions without jeopardy to their employment. The law protects foreign workers and does not discriminate against them, but official protection only extends to formal sector workers.

Workers in all sectors are covered by laws on minimum wage, hours of work, and occupational health and safety standards, including domestic and migrant workers and workers in the agricultural sector, which has a slightly higher minimum wage.

The Ministry of Labor and Social Security (MTSS) is responsible for enforcing the minimum monthly wage for both public and private-sector employees and for enforcing legislation regulating health and safety conditions. The ministry had 151 general inspectors for labor issues. In practice, penalties imposed by the MTSS were not sufficient to deter violations of labor laws. The government monitors wages and other benefits, such as social security and health insurance through the Social Security Bureau and the Internal Revenue Service. The Ministry of Public Health's Bureau of Environment and Occupational Work is responsible for developing policies to detect, analyze, prevent, and control risk factors that may affect workers' health. These standards were generally effectively enforced in the formal sector but less so in the informal sector.

In addition, MTSS has a special section to monitor domestic work, and may obtain judicial authorization to conduct home inspections to investigate potential labor law violations.

Formal-sector companies generally complied with the minimum wage regulations, and in practice, the majority of workers earned more than the minimum wage. However, many citizens and foreign workers were employed informally and thus did not benefit from certain legal protections. Some workers claimed a loss of other privileges at work based on their refusal to work in unsafe conditions. The Ministry of Agriculture is the body responsible for carrying out safety and health inspections in the agricultural sector.

There were some reports of exploitation of foreign workers in the agricultural sector, and in the fishing and wood industries. A report issued by a construction workers' union indicated that during the year 60,000 workers suffered labor accidents, mainly in the construction sector. There was approximately one fatality per week due to labor accidents.

VENEZUELA

EXECUTIVE SUMMARY

Venezuela is a multiparty constitutional republic. In 2006 voters reelected President Hugo Chavez Frias of the Fifth Republic Movement party. International observer missions deemed the elections generally free and fair but noted some irregularities. In September 2010 voters elected 165 deputies to the National Assembly. Voting on election day was generally free and fair with scattered reports of irregularities. However, domestic election observers and opposition political parties criticized both the electoral law, claiming it violated the constitutional principle of proportionality, and the government's partisan use of state-owned media. There were instances in which elements of the security forces acted independently of civilian control.

Concentration of power in the executive branch continued to increase significantly. An Enabling Law enacted by the outgoing National Assembly in December 2010 (less than three weeks before newly elected members took office) gave the president broad authority to decree laws for a period of 18 months without consultation or approval by the elected National Assembly. The law responded to the president's request for authorities necessary to deal with the emergency created by floods in late 2010. Using this authority President Chavez decreed 26 laws, including a number of provisions restricting fundamental economic and property rights.

The principal human rights abuses reported during the year included government actions to impede freedom of expression and criminalize dissent. The government 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. The government did not respect judicial independence or permit judges to act according to the law without fear of retaliation. The government used the judiciary to intimidate and selectively prosecute political, union, business, and civil society leaders who were critical of government policies or actions. Failure to provide for the due process rights, physical safety, and humane conditions for inmates contributed to widespread violence, riots, injuries, and deaths in the country's prisons.

In addition, the following human rights problems were reported by nongovernmental organizations (NGOs), the media, and in some cases the government itself: unlawful killings, including summary executions of criminal suspects; torture and other cruel, inhuman, or degrading treatment; prison violence and harsh prison conditions; inadequate juvenile detention centers; arbitrary arrests and detentions; corruption and impunity in police forces; corruption, inefficiency, and politicization in a judicial system characterized by trial delays and violations of due process; political prisoners; interference with privacy rights; restrictions on freedom of expression; corruption at all levels of government; threats against domestic NGOs; violence against women; anti-Semitism in the official media; trafficking in persons; violence based on sexual orientation and gender identity; and restrictions on workers' right of association.

The government sometimes took steps to punish lower-ranking officials who committed abuses, but there were no investigations or prosecutions of senior officials for alleged corruption or 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, but security forces were accused of committing unlawful killings, including summary executions of criminal suspects.

There were several reports that security forces committed arbitrary or unlawful killings. The human rights NGO Venezuelan Program of Action and Education in Human Rights (PROVEA) reported 173 deaths due to security force actions between October 2010 and September 2011, a 27 percent decrease compared with the preceding 12 months. The causes of death were categorized as 129 killings, seven cases of excessive use of force, 15 cases of indiscriminate use of force, 12 cases of torture or cruel treatment, and two cases of negligence.

Prosecutors occasionally brought cases against such perpetrators. Sentences frequently were light, and convictions often were overturned on appeal. According to PROVEA, 37 national, state, and municipal police entities as well as the armed forces were involved in extrajudicial killings between October 2010 and September 2011, with the Scientific, Penal, and Criminal Investigative Corps (CICPC) and the National Guard associated with the most violations. There was no information available on the numbers of public officials who were prosecuted or received prison sentences for involvement in extrajudicial killings.

On May 28, two hooded assailants killed Juan Jose Barrios, making him the seventh member of his family to be killed allegedly by Aragua State police agents since the Barrios family publicly complained of police abuse in Aragua in 1998. On June 2, the Inter-American Human Rights Commission (IACHR) issued a statement deploring the killing and stating that "the Venezuelan state has not adopted the necessary measures to protect the life of the members of this family, who continue to be targets of assassination, detention, raids, threats and harassment" (see section 1.e.). The Barrios family has been under IACHR protection orders since 2004.

On May 26, three detainees, Pedro Rivero, William Perez, and Ruben Arnal, died in a detention facility in the El Rosal section of Caracas. The CICPC initially claimed the deaths resulted from asphyxiation related to drug abuse, but a Public Ministry investigation showed that the bodies exhibited signs of torture. According to press reports, other inmates claimed the guards had beaten the men, subjected them to electric shock, and covered their heads with pesticide-filled bags. The Public

Ministry accused six CICPC officers, Evert Rondon, Miguel Hernandez, Edgard Humbria, Michael Borges, Jepzon Diaz, and Alfredo Suarez, of intentional homicide, cruel treatment, and violation of international treaties and pacts. The Public Ministry also accused the original pathologist, Franklin Perez, with attempted cover-up, falsifying documents, and violation of international treaties and pacts. On October 13, the six CICPC officers were indicted on all charges, and at year's end they remained in detention awaiting trial.

On June 21, a court composed of one professional judge and two jurors acquitted the 10 Lara state police officers charged in the 2008 torture and killing of six persons in Chabasquen, Portuguesa State. The judge abstained in the decision.

The government continued to prosecute individuals connected with the 1989 killings in Caracas known as the "Caracazo," in which the Public Ministry estimated 331 individuals died; the 1988 El Amparo massacre, in which government security forces allegedly killed 14 persons; the 1986 Yumare massacre, in which nine persons were killed; and the 1982 Cantaura massacre, in which armed forces and intelligence service members allegedly killed 25 persons. For example:

Caracazo: On May 6, the Public Ministry charged the former governor of the Federal District (now Capital District), Virgilio Avila Vivas, with intentional homicide and violation of international pacts and treaties. On October 1, the court ordered to trial former defense minister Italo del Valle Alliegro; the former Metropolitan Police commandant, retired general Jose Rafael Leon Orsoni; former second commandant of the Metropolitan Police Luis Guillermo Fuentes Serra; and retired general Freddy Maya Cardona for their actions during the Caracazo massacre. Fuentes Serra and Maya Cardona had been indicted on February 9 for premeditated murder and violation of international agreements in connection with the deaths of 21 and 10 victims, respectively.

El Amparo: In April PROVEA requested a meeting with representatives of the Prosecutor General's Office, survivors of the massacre, and families of the victims to obtain information on the government's actions to investigate the massacre. PROVEA also requested that, pursuant to a 2010 resolution of the Inter-American Court of Human Rights, the government present a timeline with planned actions to investigate and prosecute those responsible. The government did not respond to PROVEA's request.

Yumare: In May the court sentenced retired general Alexis Ramon Sanchez Paz to 13 years in prison for his involvement in the massacre. Sanchez admitted responsibility.

Cantaura: Neither the National Assembly nor the government took action on petitions submitted by PROVEA requesting the lifting of the parliamentary immunity of newly elected Deputy Roger Cordero Lara and his investigation for alleged involvement (as pilot of one of the airplanes) in the bombardment of the Cantaura guerrilla camp.

On October 18, the National Assembly enacted the Law to Punish Crimes, Disappearances, Torture, and Other Human Rights Violations for Political Reasons in the Period 1958-1998 (Law against Forgetting). The law calls for the investigation and punishment of human rights abuses committed by the governments of this period against "revolutionary militants" fighting for "social justice and socialism." It also creates a Commission for Justice and Truth and provides reparations to victims. The law does not cover all human rights violations, including those committed after President Chavez took office in 1999. There was no implementation of the law by year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the constitution states that no person shall be subjected to cruel, inhuman, or degrading punishment, there were credible reports that security forces tortured and abused detainees. During the year the National Assembly did not act on the fourth transitional provision of the constitution requiring the assembly to adopt by 2001 either a law or a reform of the penal code to provide sanctions for torture. The NGO Network of Support for Justice and Peace reported that the lack of such a law contributed to the government's failure to punish adequately officials responsible for torture; the lack of programs providing medical, psychological, and rehabilitation services to victims; and the lack of a fund to compensate victims.

The Public Defender's Office did not publish statistics for 2011 regarding allegations of torture by police; however, PROVEA reported there were 20 victims of torture and 75 victims of "cruel and inhuman treatment" between October 2010 and September 2011, a reduction of 45 percent and 79 percent, respectively, from the previous year. PROVEA defines "torture" as methods used by state security force

members to extract information from victims and "cruel and inhuman treatment" as methods used by those members to punish or intimidate victims.

Human rights groups continued to question the commitment of the prosecutor general and the public defender to conduct impartial investigations. There were no data available on convictions in cases of alleged torture. According to Network of Support for Justice and Peace, no government official had been prosecuted in connection with any of the 243 claims of torture reported since 2003.

Press and NGO reports of beatings and humiliating treatment of suspects during arrests were common and involved various law enforcement agencies. Torture and other cruel, inhuman, or degrading treatment or punishments of prisoners were reported during the year. A common method of torture or degrading treatment was the denial of medical care by prison authorities (see Prison Conditions below).

An example of psychological torture was the case of Judge Maria Lourdes Afiuni, who was transferred from prison to "house arrest" on February 8 (see section 1.d.). Afiuni's attorneys and a leading human rights defender claimed the government's restrictions on Afiuni's access to medical care, her medical reports, sunlight, and the courts constituted "psychological" torture. On July 29, Afiuni's attorneys filed a complaint with the court, alleging that the National Guard frequently did not arrive to take Afiuni to mandatory bimonthly court appearances, thereby subjecting Afiuni to the fear of having her house arrest revoked and of return to prison, where officials and inmates had threatened her. On August 1, the Center for Human Rights of Andres Bello Catholic University filed a request for urgent action on Afiuni's behalf with the U.N. special rapporteur for torture.

Prison and Detention Center Conditions.—Prison conditions were harsh due to poorly trained and allegedly corrupt prison staff; violence and alleged extortion by guards and inmates, some gang-related and fueled by trafficking in arms and drugs; severe overcrowding in most prisons; and food and potable water shortages. Prison experts and the press frequently claimed that prison gang leaders, rather than government authorities, controlled the prisons. The NGO Venezuelan Observatory for Prisons (OVP) reported that as of November 3, there were approximately 48,602 inmates in the country's 33 prisons and penitentiaries, approximately 4,400 of whom were women. Leading prison monitoring NGOs estimated that prisons nationwide had capacity for only 15,000 inmates.

According to the OVP, HIV/AIDS, tuberculosis, and a lack of medical care accounted for approximately 50 deaths in prison during the year. A comprehensive study, published in September by the NGO Solidarity Action, found that prison rules regarding the classification of inmates resulted in the isolation of those with HIV/AIDS in "inadequate spaces without food and medical attention."

On July 16, President Chavez publicly urged the judiciary to use its existing legal authority to grant humanitarian parole to "gravely ill" prisoners needing medical treatment, including permitting them to return to their homes. On July 19, the government formed an interagency committee to evaluate an initial group of 54 gravely ill prisoners potentially eligible for conditional release. On July 21, the government granted conditional parole to 44 of the 54 prisoners and announced that parole for the others would follow. Two of those released had claimed to be political prisoners. Later in the year, the government granted humanitarian paroles to former police officer Julio Rodriguez and former police commissioner Henry Vivas, imprisoned for their alleged involvement in the 2002 coup, and to National Assembly Deputy-elect Jose Sanchez ("Mazuco"), convicted on what he alleged were politically motivated charges.

Security forces and law enforcement authorities often held minors together with adults, even though separate facilities existed. Because reform institutions were filled to capacity, hundreds of children accused of infractions were confined in juvenile detention centers where they were reportedly crowded into small, unsanitary cells. Women and men generally were held in separate prison facilities. The OVP stated that women's facilities were generally less violent than those for men.

The National Guard and the Ministry of Interior and Justice have responsibility for prisons' exterior and interior security, respectively. The government failed to provide adequate prison security. The OVP reported there were 560 prisoner deaths in 2011, compared with 476 in 2010. Most such deaths and injuries resulted from prisoner-on-prisoner violence, riots, fires, and generally unsanitary and unsafe conditions.

According to press reports, more than 100 inmates were injured during inmate-organized knife fights, commonly known as the "coliseum," which occurred in the Uribana Penitentiary in Lara State and the General Venezuelan Penitentiary in Guarico State. On February 22, the IACHR reiterated its condemnation of the violence and stressed the government's obligation to ensure the safety of inmates.

During the year prisoners conducted hunger strikes and violent uprisings to protest administrative delays and harsh prison conditions. Prisoners and detainees were permitted religious observance and had access to visitors, but in some cases prison officials allegedly harassed or abused visitors.

During the year there were almost constant prison riots that resulted in inmate deaths and injuries, including a riot at El Rodeo Penitentiary in Miranda State, which began as a conflict between heavily armed rival prison gangs on June 12, lasted 27 days, and left at least 34 inmates and three National Guard troops dead. On June 17, 4,000 National Guard troops engaged in a gun battle with the inmates as they attempted to storm the prison to end the rioting. While the National Guard removed 2,500 inmates from the facility, another 2,000 barricaded themselves in and continued to resist. Before the inmates surrendered on July 13, one of the two ringleaders, 26 of his lieutenants, and an estimated 50 other inmates had escaped, despite the presence of soldiers and tanks surrounding most of the prison. On August 9, the Public Ministry brought charges of corruption and facilitating the trafficking of arms and drugs against the former director and deputy director of the El Rodeo Penitentiary and a National Guard captain.

Human rights observers continued to experience lengthy administrative delays and restricted access to prisons and detention centers. The International Committee of the Red Cross (ICRC) did not have access to prisons except for the two controlled by the Bolivarian Intelligence Service (SEBIN) and the military for security detainees. The public defender did not generally advocate on behalf of prisoners and detainees for alternatives to incarceration.

During the year the IACHR issued several statements calling on the government to improve prison conditions and adopt measures to prevent outbreaks of violence. On February 9, in response to the deaths of prisoners at the Villa Hermosa and Tocoron prisons, the IACHR urged the government to ensure that inmates were adequately protected and adopt appropriate measures to prevent similar outbreaks of violence. On June 16, in response to the prison riot at El Rodeo, the IACHR issued a statement reiterating its concern over the high rates of violence in the country's penitentiaries and the presence in several prisons of criminal organizations in possession of large-caliber weapons.

The Inter-American Court of Human Rights continued its supervision of Venezuelan penitentiaries pursuant to its 2006 decision regarding the need for improvement of prison conditions. In resolutions dated May 15 and July 6, the court again required the government to submit bimonthly reports with specific information on actions taken to "protect the life and integrity" of prisoners, but there was no information publicly available about the government's compliance with this requirement.

On July 25, in response to the riot at the El Rodeo Penitentiary, President Chavez announced the creation of a new Ministry of Penitentiary Services and appointed National Assembly Deputy Iris Varela as its minister. Varela immediately announced proposed reforms to reduce overcrowding and violence, including through the parole of an estimated 20,000 eligible prisoners and a prohibition on the transfer of new prisoners into the prisons. By year's end the government had not implemented these proposals.

d. Arbitrary Arrest or Detention.—The constitution prohibits the arrest or detention of an individual without a judicial order; provides for the accused to remain free while being tried, except in specific cases where state law or individual judges may supersede this provision; and provides that any detained individual has the right to immediate communication with family members and lawyers who, in turn, have the right to know a detainee's whereabouts.

During the year the chair of the U.N. Working Group on Arbitrary Detention, the International Commission of Jurists, international and domestic human rights NGOs, and prominent international figures called on the government to release Judge Maria Lourdes Afiuni, who was detained in 2009 for her decision to release imprisoned banker Eligio Cedeno. On February 8, a court granted Afiuni house arrest to recover after her emergency surgery, but it prohibited her from leaving her apartment (see section 1.c.). The court required that National Guard personnel escort Afiuni to her required court appearance every 15 days. The court continued the trial against Afiuni, despite the May 2010 statement by the prosecutor "that it has not been determined that she [had] received money or anything else" to approve Eligio Cedeno's release. During the year Afiuni refused to participate in the trial, arguing that the presiding judge, Ali Paredes, had publicly admitted his "unconditional" support for President Chavez and was therefore not impartial. The court denied her petition to recuse Paredes as the presiding judge. However, on October 6, the Judicial Disciplinary Tribunal acknowledged Afiuni's complaint against Paredes and opened an investigation. In a routine annual rotation of judges on December 16, the court named Judge Robinson Vasquez to replace Paredes as the trial judge

in Afiuni's case, effective beginning in the 2012 judicial term. On December 13, the court extended Afiuni's pretrial detention for another two years.

On April 14, the Public Ministry indicted 10 directors of the country's largest brokerages who had been detained since May 2010 and charged in July 2010 with "illegal commercialization of hard currency" and conspiracy. The directors were indicted under the Partial Reform Law on Illegal Foreign Exchange Transactions, which took effect in May 2010, after their allegedly illicit activities had occurred. The law did not provide for its retroactive application.

Role of the Police and Security Apparatus.—The National Guard, a branch of the military, is responsible for maintaining public order, guarding the exterior of key government installations and prisons, conducting counternarcotics operations, monitoring borders, and providing law enforcement in remote areas. The Ministry of Interior and Justice controls the CICPC, which conducts most criminal investigations, and the SEBIN, which collects intelligence within the country and is responsible for investigating cases of corruption, subversion, and arms trafficking. The police include municipal, state, and national police forces. Mayors and governors oversee municipal and state police forces.

In 2009 the government established the Bolivarian National Police Corps (CPNB) and announced the dissolution of the Caracas Metropolitan Police (PM). By the end of 2011, the government had phased out the PM, which Minister of Interior and Justice Tareck El Aissami stated had consisted of 10,547 officers. According to the National Assembly's news agency, as of December 16, approximately 3,200 former officers had received training and been incorporated into the CPNB, approximately 800 had been transferred to other positions within the ministry, and the remainder had been retired or removed for health, disciplinary, or other reasons.

As of December 20, CPNB forces totaled 6,848 officers, according to Minister El Aissami. The CPNB largely focused on policing one Caracas municipality and had only a minimal presence in five of the country's 23 states. During the year the CPNB also began to protect Caracas-area highways, railways, metro system, and diplomatic missions.

Societal violence remained high. According to press reports, CICPC statistics showed an estimated 18,500 homicides nationwide during the year (a rate of 65 killings per 100,000 inhabitants), compared with the 14,500 killings that Minister El Aissami reported for 2010. Criminal kidnappings for ransom also were widespread in both urban centers and rural areas; kidnappings included both "express kidnappings," in which victims were held for several hours and then released, and traditional kidnappings. On November 19, the press cited CICPC sources as reporting 1,115 cases of kidnappings thus far in 2011, an increase of 26 percent over the 885 kidnappings reported in all of 2010. NGOs and police noted that many victims did not report kidnappings to police or other authorities.

Corruption, inadequate police training and equipment, and insufficient central government funding, particularly for police forces in states and municipalities governed by opposition officials, reduced the effectiveness of the security forces. There were continued reports of police abuse and involvement in crime, including illegal and arbitrary detentions, extrajudicial killings, kidnappings, and the excessive use of force. In the 12 months ending in October, PROVEA registered 10 complaints of missing persons allegedly seized by police or military personnel, compared with 39 such complaints in the preceding 12-month period.

During the year PROVEA registered 10 complaints of missing persons allegedly seized by police or military personnel.

For example, on March 15, according to press reports, municipal police detained three CBNP members for kidnapping and robbery. Jean Carlos Jesus Colorado Linares, Ruben Dario Troconis Diaz, and Nestor Jose Vasquez Olmos allegedly kidnapped three youths at gunpoint; stole their money, cars, and clothing; and then left them on the street in the Sucre municipality of Caracas. In another example, on August 30, the Public Ministry arrested an Apure State police officer, Deibis Pantoja, for his alleged involvement in the kidnapping of a businessman, Henry Claret Bolivar, on August 26.

Impunity remained a serious problem in the security forces. The Public Ministry is responsible for initiating judicial investigations of security force abuses. The ministry's annual report for 2010 cited 9,131 cases of human rights violations by presumed police and military officers, of which 266, or less than 3 percent, resulted in indictments; the remainder were either dismissed or suspended. Neither the Public Ministry nor the Public Defender's Office provided comparable statistics for 2011.

State and municipal governments also investigate their respective police forces. By law national, state, and municipal police forces have a Police Corps Disciplinary Council, which takes action against security officials who commit abuses. The Na-

tional Assembly can investigate security force abuses. The General Police Council has developed policies and reforms in response to systematic abuses.

According to Network of Support for Justice and Peace, the lack of sufficient prosecutors made it difficult to prosecute police and military officials allegedly involved in human rights abuses.

During the year the government at both the local and national level took some actions to sanction officers involved in abuses. For example, in May the opposition-governed Chacao municipality of Caracas expelled 10 police officers after a video was released showing them kicking and hitting a group of handcuffed prisoners. In June the CPNB expelled 86 officers for corruption. In October the opposition-governed Zulia State government expelled 114 officers linked to extortion, homicide, theft, and human rights violations. There was no publicly available information about prosecutions of the officers expelled.

Following the deaths of three prisoners in a CICPC detention facility in May (see section 1.a.), the government announced plans to reform the CICPC. On June 7, Minister El Aissami stated that a multidisciplinary team of experts from the Commission for Police Reform and Support Network for Peace and Justice would evaluate and make recommendations for restructuring the CICPC. On September 22, El Aissami named Jose Humberto Ramirez Marquez as the new CICPC director and announced a "Strategic Plan for the Transformation of the CICPC." There was no information regarding any changes to the structure or functions of the CICPC by year's end.

In June 2010 Public Defender Gabriela Ramirez announced the creation of offices for victim assistance, including victims of crime or abuse by police. The government required that the offices be located apart from police stations and staffed by interdisciplinary personnel to guarantee "fair, respectful, equal, and nondiscriminatory" treatment and to protect "the privacy of the complainants." On March 22, the prosecutor general reported that the offices had attended to 120,560 individuals during 2010.

The National Experimental University for Security (UNES), inaugurated in October 2010 to professionalize law enforcement training for CPNB and other state and municipal personnel, had centers in Caracas and five other cities, with an enrollment of 11,290 students as of September. UNES requires human rights training as part of the curriculum for all new officers joining the CPNB, state, and municipal police forces. Some municipal and state police forces also offered human rights training for their personnel.

Arrest Procedures and Treatment While in Detention.—A warrant is required for an arrest or detention. A detention is possible without an arrest warrant when the individual is caught in the act of committing a crime. Individuals were sometimes apprehended without warrants from judicial authorities. Detainees must be brought before a prosecutor within 12 hours and before a judge within 48 hours to determine the legality of the detention. A person accused of a crime may not be detained for longer than the possible minimum sentence for that crime or for longer than two years, except in certain circumstances, such as when the defendant is responsible for the delay in the proceedings. The law requires that detainees be promptly informed of the charges against them, and the requirement was generally met in practice.

Although there is a functioning system of bail, it is not available for certain crimes. Bail also may be denied if a person is apprehended in the act of committing a crime or if a judge determines there is a danger that the accused may flee or impede the investigation. The law requires that detainees be given access to counsel and family members, and the requirement was generally met in practice.

Pretrial Detention.—Pretrial detention was a serious problem. In its March 21 report for the U.N. Human Rights Council's Universal Periodic Review (UPR) of Venezuela, the OVP reported that 68 percent of the 44,852 prisoners at the end of 2010 had not been sentenced.

The NGO Citizen Observatory of the Penal Justice System attributed trial delays to the shortage of prosecutors and penal judges. Based on the Public Ministry's annual report for 2010, 1,492 prosecutors had to process approximately 257,400 cases in 2010, an average of 173 cases per prosecutor. The NGO also questioned the small number of penal judges, which it calculated to be 4.7 per 100,000 inhabitants in 2010.

In March 2010 NGOs testifying before the IACHR estimated that, on average, a prosecutor received nearly 2,000 complaints of criminal activity a year but investigated only 50. Of those 50 cases, only 20 ended up in court and only two resulted in convictions. According to the Public Ministry's 2010 annual report, approximately 9 percent of the 378,108 cases involving common crimes resulted in the filing of

criminal charges. Prisoners reported that a lack of transportation and the disorganization of the prisons reduced their access to the courts and contributed to trial delays.

e. Denial of Fair Public Trial.—While the constitution provides for an independent judiciary, there was increasing evidence that the judiciary lacked independence. There were credible allegations of corruption and political influence throughout the judiciary. On February 5, Supreme Court (TSJ) President Luisa Estela Morales reported that 77 percent of all judges had provisional appointments. TSJ justices, elected by the National Assembly, sat on the TSJ's Judicial Committee that was responsible for hiring and firing temporary judges, which it did without cause or explanation. Provisional and temporary judges, who legally have the same rights and authorities as permanent judges, allegedly were subject to political influence from the Ministry of Interior and Justice and the prosecutor general. PROVEA reported that between October 2010 and October 2011, the TSJ rejected 93 percent of judicial cases against the main organs of government (the Presidency, National Assembly, Comptroller General, National Electoral Council, and Prosecutor General's Office), including all 20 legal actions against President Chavez.

Among notable examples of alleged government interference in the judicial system were:

On January 11, the TSJ announced that it was assuming jurisdiction in the trial of National Assembly Deputy-elect Biaggio Pilieri on corruption charges. The following day the TSJ annulled the trial because of alleged "irregularities" and ordered a retrial in a different jurisdiction. According to the two jurors in the trial, the TSJ's actions came after they had informed the judge of their decision to acquit. The judge reportedly told them that they "could not pronounce that decision." Pilieri had been acquitted in his first trial on the same charges but had been recharged and placed under house arrest following his September 2010 election to the National Assembly. Authorities released Pilieri from prison on February 23 following a hunger strike by students calling for the release of political prisoners. He took office on February 24 and acquired parliamentary immunity from further prosecution.

On July 19, the TSJ president withdrew her July 14 order for the prosecutor general to open a corruption investigation into Miranda State governor and presidential candidate Henrique Capriles Radonski. Her decision came a day after the progovernment United Socialist Party of Venezuela (PSUV) announced it did not support the investigation because it did not want Capriles to be able to "make himself a victim."

Trial Procedures.—Defendants are considered innocent until proven guilty. The law provides for open, public, and fair trials with oral proceedings for all individuals. Defendants have the right to be present and consult with an attorney. Public defenders are provided for indigent defendants, but there continued to be a shortage. According to press reports and official sources, the 874 public defenders handled approximately 270,000 cases in 2010. The Public Defender's Office stated that state-paid attorneys represented approximately 76 percent of prisoners.

Defendants have the right to question witnesses against them and present their own witnesses. Defendants and their attorneys have the right to access government-held evidence, but in practice this access often did not occur. Defendants and plaintiffs have the right of appeal. Trial delays were common.

The law provides that trials for military personnel charged with human rights abuses after 1999 be held in civilian rather than military courts.

Political Prisoners and Detainees.—At year's end the NGO Venezuelan Awareness Foundation listed 12 individuals as political prisoners, most of whom were convicted for their alleged actions during the 2002 coup. During the year the government used the judiciary to intimidate and selectively prosecute individuals who were critical of government policies or actions.

In some cases political prisoners were held in SEBIN installations and the Ramo Verde military prison. Authorities permitted the ICRC access to these individuals.

In cases of persons claiming to be political prisoners:

Jose "Mazuco" Sanchez was released on humanitarian parole on December 24 (see section 1.c.).

There were no developments during the year in the case of General Raul Baduel, former minister of defense and former ally of President Chavez, who was sentenced in May 2010 to seven years and 11 months in prison on corruption-related charges. Baduel continued to claim his arrest and imprisonment constituted political retaliation by President Chavez for his public opposition to the president's proposed constitutional reforms and encouragement of the "no" vote in the 2007 constitutional reform referendum.

On January 31, a group of 10 university students began a hunger strike in front of the office of the Organization of American States in Caracas to seek the release of 28 prisoners they believed were held for political reasons. The hunger strike grew to include 83 protesters in eight states. It ended on February 22 with the government announcing its agreement to release conditionally five of the prisoners, Felipe Rodriguez, Silvio Merida Ortiz, Otto Gebauer, Arube Perez, and Marco Hurtado. All but one had been convicted for their alleged activities during the 2002 coup. The government also agreed to permit the remaining 23 prisoners to receive medical treatment from doctors chosen by their families and to review each prisoner's case and living conditions.

Regional Human Rights Court Decisions.—On February 21, the Inter-American Court of Human Rights (the IA Court) issued a resolution ordering the government to adopt immediately "all the necessary and extraordinary measures, in addition to those already taken," to guarantee the safety of the Barrios family, which had seven family members killed, allegedly by Aragua State police agents, since the family publicly complained of police abuse in 1998 (see section 1.a.). The IA Court reiterated its concern over the government's failure to protect the Barrios family, which had been subject to an IACHR protection order since 2004, and ordered the government to place permanent guards at the homes of the family members and report to the court every two months on the measures taken. On May 28, two unidentified assailants shot and killed Juan Jose Barrios, a beneficiary of the IA Court's provisional measures. On June 29 and 30, the IA Court heard testimony in the case but had not issued a decision regarding the government's responsibility in the deaths of the Barrios family members by year's end.

On September 1, the IA Court issued a unanimous decision that the government could not administratively disqualify opposition leader Leopoldo Lopez from running for elective office (see section 3, Political Parties). The court ordered the government to allow Lopez to register and run in any future election. It also ordered the government to revise "within a reasonable timeframe" article 105 of the Organic Law on the Comptroller General to prevent the comptroller general from administratively disqualifying individuals from public office in the future. On September 17, President Chavez asserted: "For me, the court has no value. It is worthless." On October 17, the TSJ declared the ruling of the court to be "unenforceable," although article 23 of the constitution provides that international treaties and conventions regarding human rights have constitutional rank and are of "immediate and direct application by the courts." On October 20, the prosecutor general stated that the IA Court's decisions were binding only insofar as they did not contravene the constitution and domestic laws. The TSJ argued that it had to balance the rights guaranteed in the American Convention with those provided for under the U.N. and Inter-American Conventions against Corruption. The TSJ president subsequently stated that Lopez could "register and participate freely in elections" but not necessarily hold public office if elected.

The IA Court issued a number of resolutions regarding prisons in Venezuela. These orders required the government to take precautionary measures to avoid loss of life or harm to the physical, mental, and moral integrity of those incarcerated. During the year the IA Court issued specific orders regarding the Yare, El Rodeo, Monagas, Tocoron, and Vista Hermosa prisons, and on July 6, it issued a resolution ordering the government to adopt measures to safeguard lives in six prisons. The court also required the government to adopt measures to protect the life of prisoner rights activist Humberto Prado. There were no known government actions reflecting compliance with these resolutions.

Civil Judicial Procedures and Remedies.—There are separate civil courts that permit citizens to bring lawsuits seeking damages. There are no procedures for individuals or organizations to seek civil remedies for human rights violations. Like all courts in the country, the civil courts remained subject to strong executive control.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution provides for the inviolability of the home and personal privacy, but in some cases government authorities infringed on citizens' privacy rights by searching homes, seizing properties, or interfering in personal communications.

During the year private telephone calls and e-mails between opposition political figures were intercepted and broadcast on government-controlled media in violation of the law. For example, between August 1 and 4, the government-owned Venezolana de Television broadcast what it claimed were recorded private telephone conversations among opposition figures, including a former military leader, party activists, and a presidential candidate, in which they purportedly criticized other opposition leaders and discussed alleged backroom deals to select opposition candidates for the 2012 elections.

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 combination of laws and regulations governing libel and media content, as well as legal harassment and physical intimidation of both individuals and the media, resulted in practical limitations on these freedoms. National and international groups, such as Reporters without Borders, the Inter American Press Association (IAPA), and the Committee to Protect Journalists, condemned government efforts throughout the year to restrict press freedom and create a climate of fear and self-censorship.

Freedom of Speech.—The law makes insulting the president punishable by six to 30 months in prison without bail, with lesser penalties for insulting lower-ranking officials. Comments exposing another person to public contempt or hatred are punishable by one-to-three-year prison sentences and fines starting at BsF 55 (approximately $13).

The government took reprisals against individuals who publicly expressed criticism of the president or government policy.

On October 21, the National Assembly designated a subcommission to investigate alleged corruption related to a 2006 construction contract by opposition Deputy Julio Montoya and his wife. Many observers considered the investigation to be a response to Montoya's August 15 release of a confidential report from the Ministry of Finance and the Central Bank on the government's controversial plan to repatriate 211 tons of gold reserves from U.S. and European institutions and transfer approximately $6.28 billion in liquid reserves to banks in Russia, China, and Brazil. Previously Montoya had charged that the government was complicit in the April 25 robbery of his office and the September 21 hacking of his personal e-mail and social networking sites to "intimidate" his investigations of alleged government corruption. Montoya had publicized alleged narcotics trafficker Walid Makled's charges that senior government and military officials were involved in his narcotrafficking network and that he had financed some government political campaigns (see below).

On July 13, Oswaldo Alvarez Paz, a former governor of Zulia State and a 1993 presidential candidate, was found guilty of disseminating false information and sentenced to two years in prison for his comments during a March 2010 television interview. In that interview he claimed that Venezuela was a "center of operations for drug trafficking" and suggested that President Chavez "could fall" in any international investigation of Venezuela's links with the FARC and ETA terrorist organizations. The court granted Alvarez Paz conditional parole.

There were no developments in the case of Antonio Rivero, a retired brigadier general who was charged in August 2010 with "slander against the armed forces" and "publicly revealing private information and military secrets" for his April 2010 public denunciation of excessive Cuban influence in the military. Rivero remained free pending trial, but a military judge prohibited him from leaving the country, required him to appear before a judge every 15 days, and prohibited him from speaking publicly about the charges against him.

Freedom of the Press.—The law provides that inaccurate reporting that disturbs the public peace is punishable by prison terms of two to five years. The requirement that media disseminate only "true" information was undefined and open to politically motivated interpretation.

The reformed Law of Social Responsibility for Radio and Television (RESORTE) and the amended Organic Law for Telecommunications, which went into effect in December 2010, prohibit all media from disseminating messages that incite or promote hate or intolerance for religious, political, gender-related, racial, or xenophobic reasons; incite, promote, or condone criminal acts; constitute war propaganda; foment anxiety in the population or affect public order; do not recognize legitimate government authorities; incite homicide; and incite or promote disobedience to the established legal order. Penalties range from fines to the revocation of licenses.

The law declares telecommunications a "public interest service," thereby giving the state greater authority to regulate the content and structure of the radio, television, and audiovisual production sectors. The law provides that the government can suspend or revoke licenses when it judges such action necessary to the interests of the nation, public order, or security. The telecommunications law empowers the government to impose heavy fines and cancel broadcasts for violations of its norms, and the National Telecommunications Commission (CONATEL) oversees the law's application.

The government used its authority under the telecommunications law to censor Globovision, a privately owned cable news station that was critical of the government. On October 17, CONATEL imposed a fine of BsF 9.3 million (approximately $2 million) on Globovision for its reporting of the El Rodeo Penitentiary riot (see

section 1.c.). CONATEL claimed that Globovision sought to create civil unrest by doctoring an audiotape to add sounds of machine gun fire to the background, repeatedly broadcasting the most sensational statements of the inmates' relatives, and failing to report all the government's statements concerning the riot. Globovision denied the charges, stated that its broadcasts had filled an information vacuum left by the government's failure to report on the events in the prison, and appealed CONATEL's decision. The appeal remained pending at year's end. CONATEL had six other administrative investigations pending against Globovision at year's end.

The law requires that practicing journalists have journalism degrees and be members of the National College of Journalists, and it prescribes jail terms of three to six months for those practicing illegally. These requirements are waived for foreigners and opinion columnists.

Violence and Harassment.—Senior national and state government leaders continued to harass and intimidate privately owned and opposition-oriented television stations, media outlets, and journalists throughout the year using threats, property seizures, administrative and criminal investigations, and prosecutions. Government officials, including the president, used government-controlled media outlets to accuse private media owners, directors, and reporters of fomenting antigovernment destabilization campaigns and coup attempts.

Censorship or Content Restrictions.—The government exerted pressure on the independent media through administrative, financial, and legal means in order to affect their editorial positions. Members of the independent media privately said they regularly engaged in self-censorship due to fear of government reprisal.

While the country's major newspapers were independently owned, some print media tended to exercise caution in order to secure government advertising. Two national newspapers, Diario Vea and Correo del Orinoco, received direct financial support from the government. The Caracas newspaper Ciudad CCS was run by the presidentially appointed Capital District vice president and received funding from the mayor of the Libertador municipality of Caracas.

The government sometimes engaged in direct press censorship. On August 21, SEBIN officials detained Dinorah Giron, the director of the opposition-oriented weekly newspaper Sexto Poder, for the newspaper's front-page photo montage of female government officials as "cancan" girls and the accompanying article, which alleged that the government put on a "cabaret" to distract the public from real issues. The court also issued an arrest warrant for the newspaper's editor, Leocenis Garcia. At an August 21 rally, TSJ President Luisa Morales said the photograph "offended the dignity" of the female officials and called for the government to close the newspaper immediately for the "flagrant violation of women's rights." The court ordered the newspaper to stop publishing on August 21 but allowed it to resume on August 30, when Garcia surrendered to authorities. The court ordered the newspaper not to publish text or images that offended or insulted the reputation of public officials or that were insulting toward women. The Public Ministry charged Giron and Garcia with instigating hatred, insulting public officials, and violence against women. The court granted Giron, but not Garcia, conditional release. Employees of Sexto Poder issued a communique on October 30 in which they claimed government officials were "pressuring" Garcia to sell his majority share in the newspaper in exchange for his release from prison. On November 21, following Garcia's 12-day hunger strike to protest his continued detention, the court granted him conditional release pending trial. On August 31, the IACHR's special rapporteur for freedom of expression condemned the government's actions regarding Sexto Poder, stating that these events "are opposite to regional standards in the field of freedom of expression and have an effect of intimidation and self-censorship, which compromises not only the people directly affected but also all the media in Venezuela."

The government also exercised control over content through licensing and broadcasting requirements. CONATEL acted selectively on applications by private broadcasters for renewal of their broadcast frequencies. The press reported that approximately 250 radio stations operated with lapsed licenses despite having submitted timely renewal applications to CONATEL years earlier. In an October 31 interview, radio journalist Marta Colomina, a government critic, claimed that she had been fired from the independent Union Radio in mid-October because of government pressure on the station's owners, who were concerned about being able to renew the expired licenses of 30 radio stations in their network. Colomina claimed the government was trying to provoke self-censorship in the media "to substitute reality with the fiction of a happy world." During the year CONATEL closed 27 privately owned FM radio stations, charging that they were pirate stations operating illegally or had not complied with administrative or tax obligations. While some station owners publicly denied those allegations, the press quoted the president of the Venezuelan

Chamber of Radio Broadcasting as saying that the chamber was "satisfied by the measures adopted by the national government against the so-called clandestine stations."

On January 21, privately owned cable station RCTV, previously registered as an international audiovisual producer, applied to CONATEL to register as a national audiovisual producer and thereby resume its cable and satellite broadcasts. Cable operators had ceased broadcasting RCTV in January 2010 after CONATEL reclassified it as a "national audiovisual producer" and then alleged it was violating the requirement of national producers to provide live coverage of mandatory government broadcasts (cadenas), including most speeches by President Chavez. CONATEL had not acted on RCTV's application by year's end. In August RCTV launched an Internet radio station.

On August 13, the TSJ rejected a request for an injunction against radio frequency 102.3, which had been reassigned from the privately owned National Belfort Circuit (CNB) to the National Assembly in 2009. The TSJ denied the CNB's claim that the reassignment of the frequency was intended to "silence a dissident voice" and claimed that the CNB petitioners could express their opinions in other media. CNB's appeal of the decision to reassign the frequency remained pending at year's end.

National Security.—The government sought to exercise control over the press through the Center for National Situational Studies (CESNA), established in June 2010. This government entity, under the jurisdiction of the Ministry of Interior and Justice, is responsible for "compiling, processing, and analyzing" both government-released and other public information with the objective of "protecting the interests and objectives of the state." The National Journalists Association (CNP) and five domestic NGOs publicly expressed concern about the potential for abuse and censorship on national security grounds by CESNA. In July 2010 Public Space, the CNP, and the National Union of Press Workers filed a complaint with the TSJ contesting the constitutional basis for the formation of CESNA. On November 30, the TSJ's constitutional chamber remanded the case to the political-administrative chamber, ruling that the complaint did not raise constitutional questions. The chamber argued that the presidential decree establishing the CESNA did not represent an exercise of constitutional authority, but rather of legal authority derived from the Organic Law on Public Administration. The case remained pending with the political-administrative chamber at year's end.

Nongovernmental Impact.—The domestic media watchdog NGO Public Space reported that, as of September 30, the government was responsible for 68 percent of the 140 reported violations of freedom of expression during the previous nine months. Public Space received 159 such violations during the same period in 2010. Violations included physical attacks, threats and intimidation, censorship, verbal and judicial harassment, and administrative restrictions. The NGO Press and Society Institute reported 75 physical attacks on journalists in 2010 and 2011. The widespread violence in the country made it difficult to determine whether attacks resulted from common criminal activity or were specifically directed against members of the media.

Notable examples of attacks against journalists and media outlets were:

On May 17, the body of El Clarin columnist and opposition political activist Wilfred Ojeda Peralta was found in Aragua State. He had been bound, beaten, hooded, and shot in the head. On May 23, the IACHR's Office of the Special Rapporteur for Freedom of Expression condemned the killing and asked the authorities "not to discount the possibility that the murder was motivated by Ojeda's journalistic work." On June 29, the CICPC reported they had identified the perpetrators as two brothers, Gabriel and Jesus Rafael Prieto Araujo, who allegedly killed Ojeda in a personal dispute over a debt.

On July 31, several assailants attacked the headquarters of Vive TV in Zulia State in a drive-by shooting that wounded a security guard and a police officer. The station's president claimed the attack was intended to intimidate the government-owned television station. He claimed the station's reporting was "inconvenient for certain sectors because we have dealt with fundamental issues, such as the demarcation of indigenous lands, production in private enterprises, among others." In an August 3 press release, the IACHR's Office of the Special Rapporteur for Freedom of Expression condemned the act "of violence and intolerance." According to press reports, the CICPC traced the assault to the "Untouchables" gang, which was allegedly involved in extorting local businesses. CICPC officials claimed that two individuals involved in the Vive TV attack were killed in a shoot-out with police on August 3.

Regarding cases that occurred in prior years:

On March 29, the court sentenced Walter Perez Canizalez and Yorman de Jesus Elias to 16 years' imprisonment for the March 2010 killing of Israel Marquez, the director of the newspaper Diario 2001.

On March 25, the court sentenced Oscar David Cabrera Fernandez to 15 years' imprisonment for the January 2010 killing of Diario Panorama Director Wilmer Ferrer.

On July 27, the court ordered to trial Walid Makled, who was indicted as the "intellectual author" of the 2009 killing of investigative journalist Orel Sambrano. Three other individuals previously had been charged in connection with Sambrano's killing: former Carabobo police officer Rafael Segundo Perez, convicted in May 2010 and sentenced to 25 years' imprisonment, and Jose Duque Daboin and David Antonio Yanez Inciarte, who remained detained pending completion of their trials.

Internet Freedom.—There were no government restrictions on access to the Internet, and individuals and groups could engage in the expression of views via the Internet, including by e-mail. However, under the reformed RESORTE law, Internet providers are subject to government regulations. The law prohibits the dissemination of messages or information that could incite violence, promote hatred and intolerance, lead to crime or murder, foment anxiety in the populace or disturb public order, or be considered disrespectful of public offices or officeholders. It puts the burden of filtering electronic messages on service providers, provides that CONATEL can order them to block access to Web sites that violate these norms, and sanctions them with fines for distributing prohibited messages. Human rights and media-freedom advocates complained that the law further limited freedom of expression. Following the December 2010 enactment of the law, IAPA stated that the RESORTE and telecommunications laws tried to "put a tombstone on freedom of press and expression." On January 21, the Alliance for Free Expression, composed of 14 organizations and universities involved in human rights and press freedom issues, condemned the laws as "antidemocratic and unconstitutional" for "limiting even more the right to free and plural communication that the constitution guarantees for all Venezuelans."

During the year some NGOs, members of the opposition, and government critics expressed concern that the government monitored e-mails and Web searches. On September 7, Public Space publicly complained that, from August 31 to September 7, the social networking sites and e-mails of political figures, civil society activists, writers, and journalists had been hacked. According to the NGO, social network identities were usurped and personal communications and messages were broadly disseminated, some in government-controlled media. Twitter accounts of several opposition figures were hacked and began disseminating progovernment messages.

Public Space called for the government to investigate and punish the hackers. In a September 2 communique, the group #N33 claimed responsibility for the hacking attacks and absolved the government of any responsibility. The group justified the attacks by claiming that the individuals who had been hacked had used their Twitter accounts to "attack in different forms the solemnity of our institutions and, more specifically, that of the chief of state." The group pledged to continue the cyber attacks. In November there was a similar outbreak of cyber attacks. By year's end the government had taken no action to investigate or punish those responsible for these incidents.

Academic Freedom and Cultural Events.—There were some government restrictions on academic freedom and cultural events. However, on January 4, President Chavez announced he would not sign into law the controversial University Education Law that the National Assembly had adopted in December 2010, which would have eliminated the principle of university autonomy and established the construction of socialism as the goal of higher education.

Students alleged that the government retaliated against opposition-oriented autonomous universities by allocating budgets significantly below the annual 25-30 percent inflation rate, forcing cutbacks in student services and financial support. Between February 23 and March 26, at least 30 students in several cities engaged in a hunger strike in favor of a "just university budget," with several sewing their lips together as part of the protest. The hunger strike ended after the Ministry of University Education agreed to increase the number and financial amount of student scholarships and to negotiate issues involving university services and employee salaries.

Government supporters sometimes disrupted university classes, marches, and rallies and used violence and intimidation to protest university policies and to discourage opposition students from political participation.

On June 17, in Maracay, Aragua State, members of the progovernment Tupamaro and Bolivarian Circle militant groups attacked students and university employees

who were demonstrating to demand the university pay workers' back pay. Three students and two workers were reportedly injured in the confrontation. There was no reported government investigation of the attack.

On December 9, a group of masked individuals violently interrupted the vote-counting process during the student leadership elections at the Central University of Venezuela (UCV). The assailants detonated pipe bombs that damaged a section of the university, released tear gas, and destroyed vote-counting equipment. The attack caused the university's election authorities to reschedule the elections in two of the departments where voting had not yet concluded and to delay the release of the rest of the results, which overwhelmingly favored opposition-affiliated over progovernment candidates. UCV Rector Cecilia Garcia Arocha criticized the government's lack of investigation of previous attacks against the university and said the impunity provoked further attacks.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for freedom of assembly, and the government generally respected this right in practice.

Human rights groups continued to criticize the 2005 penal code revision for its strict penalties on some forms of peaceful demonstration. PROVEA expressed concern over the law's "criminalization" of protests and noted that between October 2010 and September 2011, government security forces impeded or repressed 3 percent of the 4,472 peaceful demonstrations that were reported to have taken place, compared with 4.6 percent of the 3,315 protests that occurred during the preceding 12-month period.

During the year government security forces used tear gas, water hoses, and rubber bullets to suppress peaceful protests. According to press reports, in April a group of students chained themselves to a fence surrounding a courthouse in Barinas State to call for the release of imprisoned General Delfin Gomez Perez, whom the government had arrested in 2006 on corruption charges the students alleged were politically motivated. After 19 days, police dispersed the students using pellet guns and tear gas. According to press reports, four students suffered injuries from pellets shot at close range and 10 students sustained other injuries.

Freedom of Association.—While the constitution provides for freedom of association and freedom from political discrimination, the government only partially respected this right. Although indicating that professional and academic associations generally operated without interference, the associations complained that the National Electoral Council (CNE), which is responsible for convoking all elections and establishing dates and procedures for them, repeatedly interfered with their attempts to hold internal elections.

c. Freedom of Religion.—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 and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, and other persons of concern.

Protection of Refugees.—Access to Asylum.—The constitution recognizes the right to asylum and refuge, and laws provide for the granting of asylum or refugee status. The government has established a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

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 September 2010 voters elected 165 deputies to five-year terms in the National Assembly; voter participation reached 66.5 percent. Voters also elected 12 deputies to the Latin American Parliament ("Parlatino"). The CNE did not invite international election monitoring missions to observe the electoral process. However, domestic electoral observers and opposition political leaders generally considered the elections free and fair despite scattered delays due to problems with old voting machines, generalized reports of

improper electioneering by the official PSUV party, and isolated examples of voter intimidation.

One CNE rector and opposition political parties criticized the electoral law and the electoral redistricting for allegedly violating the constitutional principle of proportionality. Opposition parties claimed the changes led to PSUV candidates winning approximately 59 percent of the National Assembly seats (98) despite winning only 49 percent of the national vote. Opposition candidates won approximately 40 percent of the seats (65) with 48 percent of the national vote. A third party won the remaining two seats with approximately 3 percent of the vote.

One CNE rector and the domestic electoral observation NGO Ojo Electoral also criticized the government's partisan use of state-owned media in the months before the election and during the official month-long campaign period. The NGO specifically cited the CNE's failure to enforce its regulations providing for "equality of conditions" in access to the media, especially the president's use of frequent and lengthy mandatory broadcasts (cadenas) for partisan campaign purposes.

Political Parties.—In December 2010 the outgoing National Assembly enacted two laws that restrict the freedom of National Assembly deputies:

The Law on Political Parties, Public Meetings, and Demonstrations prohibits deputies from voting against legislation proposed by the political organization that supported their candidacies; "making common cause" with "contrary" positions, parties, or organizations; and changing parliamentary blocs. At the request of 0.l percent of the voters and upon the approval of a simple majority of the deputies, the comptroller general can penalize a deputy for "fraud against the electorate" with disqualification from public office. Critics claimed the law violates Article 201 of the constitution, which provides that deputies are subject only to their consciences and that their votes are "personal." No deputies were sanctioned under this law during the year.

The Law on Internal Rules and Debate reduces the amount of time a deputy can speak on the floor, lowers the threshold necessary to sanction a deputy for violating the rules of debate, and restricts access by private television stations to the National Assembly. Throughout the year opposition deputies and independent journalists repeatedly criticized the lack of access to the National Assembly for independent media. On June 21, the CNP called on ANTV television, which has the exclusive right to televise the National Assembly, to provide unbiased coverage of parliamentary proceedings. Based on a content analysis of ANTV's broadcasts, the NGO Legislative Monitor claimed on September 15 that ANTV rarely broadcast opposition deputies' views, named them only when they were being discredited, and always linked them with plans to destabilize the country. The NGO called on the National Assembly to restore open media access to parliamentary sessions.

The constitution provides for parliamentary immunity for anyone elected to the legislature "from the time of their proclamation until the end of their term or resignation," and opposition Deputies-elect Richard Blanco and Hernan Aleman were sworn into office despite pending legal charges against them. However, on January 5, imprisoned opposition Deputies-elect Jose "Mazuco" Sanchez and Biaggio Pilieri were prevented from taking office (see sections 1. c. and 1.e.). Sanchez's alternate, Nora Bracho, was sworn into office and legislated in his absence. Pilieri was released from prison on February 23 and sworn into office the following day.

Opposition political parties operated in a restrictive atmosphere, which was characterized by intimidation, the threat of prosecution or administrative sanction on questionable charges, prohibitions against receiving resources from any non-Venezuelan person or entity, and restricted media access because of the smaller number of independent television and radio stations (see section 2.a.). Throughout the year the Public Ministry and the National Assembly threatened to open or reopen investigations against leading opposition political figures, including presidential candidates Henrique Capriles Radonski, Pablo Perez, and Leopoldo Lopez, on charges ranging from corruption to human rights abuses by police in their jurisdictions. On September 28, the progovernment majority in the National Assembly decided to open an investigation against opposition Governor Henri Falcon for his failure to increase teachers' salaries and for alleged corruption in several tenders during his tenure as mayor of Iribarren and governor of Lara State. Earlier in the year, the Public Ministry had opened an investigation of Falcon on similar charges. Falcon claimed the government was seeking a way to disqualify him administratively from running for reelection in 2012. Falcon had left the progovernment PSUV party to join an independent party in 2010.

On September 1, in the case of Leopoldo Lopez (see section 1.e.), the IA Court ruled that administrative disqualification from public office absent a trial and conviction violated the American Convention on Human Rights. On October 17, the TSJ formally rejected the IA Court's decision, including its order to revise the law that

authorizes administrative disqualifications for alleged corruption. However, the TSJ president stated that Lopez could "register and participate freely in elections" but not necessarily hold public office if elected. According to the Office of the Comptroller General, as of November the comptroller general had administratively disqualified 116 people during the year; 343 individuals in total were subject to administrative disqualifications at year's end.

On November 8, former National Assembly deputy Wilmer Azuaje pled guilty and was sentenced to 12 months of supervised parole for physically attacking a female CICPC officer in March 2010 and harassing his former spouse in 2009. Azuaje had previously criticized his prosecution as politically motivated.

Participation of Women and Minorities.—The National Assembly that took office on January 5 had 26 female deputies. During the year women headed three of the five branches of government (judicial, electoral, and citizen) and occupied 12 of the 31 cabinet positions. There were 13 women among the 32 justices on the TSJ.

The constitution reserves three seats in the National Assembly for indigenous persons. Three deputies were elected for these seats in the September 2010 elections. There was one indigenous member of 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 or impartially and frequently investigated and prosecuted its political opponents selectively on corruption charges to harass, intimidate, or imprison them. The press reported that officials engaged in corrupt practices with impunity.

The Comptroller General's Office is responsible for investigating and administratively sanctioning corruption by public officials. The Public Ministry investigates and criminally prosecutes individuals and entities in the public and private sectors for corruption. The National Assembly can order the Public Ministry to undertake investigations. The Public Ministry and the Public Defender's Office investigate abuses by police and military officials.

The NGO Transparency Venezuela reported that between 2004 and 2010, the government had fulfilled four, and made some progress on 12, of the 113 recommendations that the Mechanism for Follow-Up on the Implementation of the Inter-American Convention against Corruption had made to improve government transparency and fight corruption. The NGO reported no progress on the remaining 97 recommendations. Transparency International's 2011 report reflected a perception that the public sector was highly corrupt.

During his March 15 appearance before the National Assembly to present his annual report, Comptroller General Clodosbaldo Russian acknowledged corruption in the government's housing construction program, paralysis in public works projects, the loss or deterioration of state-owned property, expired medications and rotten food in government warehouses, and minimal accountability over the funds transferred from the national government to community councils.

During the year the comptroller general sanctioned 157 public officials for alleged corruption: 116 were administratively disqualified from holding public office, 36 were suspended from their jobs, and five were dismissed (see section 3).

Although the Public Ministry said that corruption was "one of the phenomena that most affects national development," the Public Ministry dismissed or suspended 81 percent of its corruption-related cases in 2010, according to its annual report. The Public Ministry reported it had closed 3,210 cases involving corruption in both the private and official sectors: 596 resulted in indictments, 2,443 were dismissed, and 171 were suspended.

The Public Ministry and the Public Defender's Office also investigate abuses by police and military officials. Corruption was a major problem in all police forces, whose members were generally poorly paid and minimally trained. Impunity for corruption, brutality, and other acts of violence were major problems explicitly acknowledged by some government officials (see section 1.d.). There was no information publicly available about the number of investigations, prosecutions, and convictions of police and military officials during the year.

One example of high-level corruption involved Rafael Ramos de la Rosa, a government-appointed trustee for two stock brokerage firms, Uno Valores and Italbursatil. Ramos had been appointed as a receiver by the National Securities Superintendency. He was charged in the Southern District Court of Florida in October 2010 on allegations he came to Miami, Florida, to collect a $1.5 million extortion payment from the former owner of Uno Valores. He pled guilty on July 4 to charges of extortion and conspiracy to obstruct foreign commerce.

On November 7, after an 18-month detention, the court conditionally released, pending trial, the three defendants charged in the June 2010 "Pudreval" scandal,

in which thousands of tons of decomposed food were found at government warehouses throughout the country. The food had been intended for distribution through the government's subsidized food programs. The individuals charged were current or former employees of PDVAL, the food import and distribution unit of the state oil company, PDVSA: director Luis Pulido Lopez, former executive director of operations Mercedes Vilyeska Betancourt Pacheco, and former general manager Ronnal Jose Flores Burgillo. The court had suspended or deferred the trial 24 times, annulled the original proceedings and ordered a retrial in a different court, and recused four judges in the case, including one who had reduced the charges against the defendants.

On August 31, former opposition governor Didalco Bolivar returned to the country and was detained in connection with outstanding 2009 charges for "irregularities in the exercise" of his official responsibilities. On September 15, the court released Bolivar on conditional parole pending a review of his case. Shortly after his release, in interviews with government-controlled media, Bolivar publicly denounced several prominent opposition figures, including National Assembly Deputy Ismael Garcia, for alleged corruption. Garcia denied the allegations, claimed Bolivar was "following the government's playbook," and contrasted the Public Ministry's prompt response to Bolivar's accusations with the lack of any official investigation into his various allegations of corruption by government officials.

Public officials as well as all directors and members of the board of private companies are required to submit sworn financial disclosure statements pursuant to the Organic Law on the Comptroller General of the Republic and the National Fiscal Control System and the Law against Corruption, respectively (see section 3).

The law provides for citizen access to government information. However, human rights groups reported that the government routinely ignored this requirement. During an October 25 hearing before the IACHR, NGOs denounced the difficulties in accessing public information. Public Space claimed it had submitted 65 requests for information related to human rights since August, 84 percent of which had received no response. The CNP president stated that between January and September, there were 21 complaints of limitations in access for independent media to sources of public official information. He stated that independent media could not access government and police offices, PDVSA installations, government press conferences, or even public hospitals, markets, and shelters. He claimed that "the pattern simply consists of impeding access, expelling or attacking [the journalists], and alleging that access requires a permit."

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

A variety of independent domestic and international human rights groups generally operated with some government restrictions. Major domestic human rights NGOs conducted investigations and published their findings on human rights cases. Government officials were not cooperative or responsive to their views.

Many domestic NGOs reported government threats and harassment against their leaders, staff, and organizations. For example, on June 18, Minister of Interior and Justice El Aissami publicly blamed OVP Director Humberto Prado for fomenting the riot at the El Rodeo Penitentiary (see section 1.c.). Following El Aissami's statement, a blog published Prado's personal details, including his address and private telephone numbers. The blog entry concluded by warning that, "Soon, we'll publish information about the family. so the people can judge whether he deserves the death penalty." The Web sites of state news agencies claimed that Prado was working with opposition-oriented human rights groups and "right-wing political leaders" to use the inmates to generate "chaos and blame the government." On June 22, Prado's wife received an anonymous telephone call saying that her husband would be "the next one to fall."

The government threatened NGOs with criminal investigations for allegedly illegal receipt of foreign funds. In December 2010 the National Assembly adopted the Law on the Defense of Political Sovereignty and National Self-Determination, which prohibits individuals, political organizations, or organizations involved in the defense of "political rights" from receiving resources from any non-Venezuelan person or entity. The law penalizes individuals and organizations with fines and/or a potential five- to eight-year disqualification from running for political office. The law defines political organizations as those involved in promoting citizen participation, exercising control over public offices, and promoting candidates for public office. Organizations involved in the defense of political rights include those that "promote, disseminate, inform, or defend the full exercise of the political rights of citizens." The law also prohibits foreign nationals sponsored by Venezuelan individuals or political

organizations from "issuing opinions that offend the institutions of the state, its high officials or go against the exercise of sovereignty."

The government did not investigate or sanction any organization pursuant to this law during the year. However, on July 25, the president of the NGO Committee of Family Members of the Victims of the Events that occurred between February 27 and the first days of March 1989 reported that the civil registry office denied the registration applications of five NGOs because their stated purposes included the words "democracy," "human rights," or "civil and political rights"; the officials reportedly claimed they were acting under orders.

In the report prepared by the U.N. Office of the High Commissioner for Human Rights in preparation for the UPR, UNESCO noted that the limitations contained in the new law "could affect the stability of NGOs that received international funds and did not have any other income."

U.N. and Other International Bodies.—During the year the government expressed hostility toward international human rights bodies (see section1.e.). The government again refused to permit a visit by the IACHR, which has not visited the country since 2002. However, following an October 6 meeting with U.N. High Commissioner for Human Rights Navi Pillay, Solicitor General Carlos Escarra announced that "a visit by Pillay is expected" in 2012.

In response to the April 14 release of the IACHR's annual report for 2010, German Saltron, the government's representative to the organization, said there was "nothing new" in his country's inclusion on the IACHR's "black list." The report expressed concern about freedom of expression, the lack of judicial independence, harassment of human rights defenders and journalists, prison violence, the high level of social violence, and the Enabling Law, which it considered "incompatible" with the American Convention on Human Rights (see section 3). On October 7 and 12, the government participated in the U.N. Human Rights Council's UPR of Venezuela. The government received 148 recommendations, of which it accepted 95, rejected 38, and deferred 15. It accepted recommendations related to police, prisons, and social services, and it rejected recommendations made by certain delegations regarding respect for the independence of the judiciary, freedom of expression, and civil society. The foreign minister claimed that the NGOs that criticized the country during the UPR were paid for by the "empire" (the United States). Several countries received diplomatic notes from the Foreign Ministry that expressed concern about their criticisms during the UPR and suggested that these statements could affect their bilateral relationships.

Government Human Rights Bodies.—Although the public defender, appointed by the National Assembly, is responsible for ensuring that citizen rights are protected in a conflict with the state, human rights NGOs claimed that the Public Defender's Office was not independent and rarely acted on public interest cases. The NGOs also alleged that the public defender was chosen in 2007 in a nontransparent process. Reports or recommendations issued by the office were not widely available. According to its 2010 annual report, the Public Defender's Office considered 27,919 complaints during that year, of which 12,582 related to human rights.

The National Assembly's subcommission on human rights played an insignificant role in human rights debates.

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

The law prohibits discrimination based on race, gender, sexual orientation, disability, language, or social status; however, discrimination against women, persons with disabilities, and indigenous persons and discrimination based on sexual orientation were problems. On August 22, the National Assembly passed the Organic Law against Racial Discrimination, which President Chavez signed into law on December 19. The law aims to eliminate all forms of racial discrimination, creates a new National Institute against Racial Discrimination to enforce the law, and provides for up to three years' imprisonment for acts of racial discrimination.

Women.—Rape and Domestic Violence.—The law criminalizes rape, including spousal rape, making it punishable by a prison term of eight to 14 years. However, cases often were not reported to the police due to fear of social stigma and retribution, particularly in light of widespread impunity. There were no reliable statistics on the incidence of, or prosecutions or convictions for, rape. A man may avoid punishment by marrying. before he is sentenced, the person he violated. Women faced substantial institutional and societal prejudice with respect to reporting rape and domestic violence.

The law criminalizes physical, sexual, and psychological violence in the home, the community, and at work. The law punishes perpetrators of domestic violence with penalties ranging from six to 27 months in prison. The law requires police to report

domestic violence to judicial authorities and obligates hospital personnel to notify the authorities when admitting patients who are victims of domestic abuse. Police generally were reluctant to intervene to prevent domestic violence. The law also establishes women's bureaus at local police headquarters and tribunals specializing in gender-based violence. As of October there were 43 prosecutors with exclusive responsibility for dealing with such crimes. On September 13, Prosecutor General Luisa Ortega Diaz established a separate Department for the Defense of Women within the Public Ministry.

However, violence against women continued to be a problem. On September 14, Dizlery Cordero, the director for the defense of women in the Public Ministry, said the ministry received an average of 15 to 45 complaints related to gender violence daily. In its 2010 annual report, the Public Ministry reported it had filed formal charges in 6,530 (12 percent) of the 54,170 cases involving gender violence it closed during the year. As of October the prosecutor general reported that the Public Ministry had received 95,877 complaints of gender violence. The press reported on October 9 that according to unofficial statistics from the Prosecutor General's Office, 501 women died as a result of domestic violence during the year.

The government sought to combat domestic violence through public awareness campaigns and training programs. For example, the press reported that on January 20 and 21, more than 90 police officers took part in training to help them better assist victims of domestic violence. The Public Ministry conducted a series of workshops on violence against women between August and December.

Sexual Harassment.—Sexual harassment is illegal and punishable by a prison sentence of one to three years. Although allegedly common in the workplace, sexual harassment cases were rarely reported.

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 were generally given equal access to diagnostic services and treatment for sexually transmitted infections. The U.N. Population Fund reported that skilled health personnel attended 95 percent of births and that 62 percent of women and girls ages 15 to 49 used a modern method of contraception.

Discrimination.—Women and men are legally equal in marriage, and the law provides for gender equality in exercising the right to work. The law specifies that employers must not discriminate against women with regard to pay or working conditions. According to the Ministry of Labor and the Confederation of Workers, these regulations were enforced in the formal sector, although women reportedly earned 40 percent less than men on average. The Ministry of Women worked to protect women's rights but did not make statistics publicly available.

The law provides women with property rights equal to those of men. In practice, however, women frequently waived these rights by signing over the equivalent of power of attorney to their husbands.

Children.—Birth Registration.—Citizenship is derived by birth within the country's territory. According to UNICEF, thousands of children were not officially registered at birth.

Child Abuse.—According to UNICEF and NGOs working with children and women, child abuse, including incest, occurred but was rarely reported. According to a National Institute for Statistics (INE) survey, 5 percent of victims of sexual abuse were children. Although the judicial system acted to remove children from abusive households, public facilities for such children were inadequate and had poorly trained staff.

Under the law sexual relations with a minor under age 13 or an "especially vulnerable" person, or with a minor under age 16 when the perpetrator is a relative or guardian, are punishable with a mandatory sentence of 15 to 20 years' imprisonment. The law prohibits inducing the prostitution and corruption of minors. Penalties range from three to 18 months in prison and up to four years in prison if the minor is younger than 12 years old. If the crime is committed repeatedly or for profit, it is punishable by three to six years' imprisonment. Prison sentences for inducing a minor into prostitution increase by up to five years if various aggravating circumstances occur. Penalties for several crimes relating to child prostitution do not apply if the perpetrator marries the victim.

Sexual Exploitation of Children.—There were isolated reports of commercial sexual exploitation of children during the year. For example, in February local media reported that law enforcement officials took 11 girls who had been forced into prostitution in Caracas to a government shelter for victims of sexual abuse; they ar-

rested the alleged traffickers. The law prohibits the production and sale of child pornography and establishes penalties of 16 to 20 years' imprisonment. There was no publicly available information regarding the number of investigations or prosecutions of cases involving the commercial sexual exploitation of minors or child pornography.

According to a March 2010 announcement by the Public Ministry, a total of 67 prosecutors were assigned to handle cases specializing in the protection of children.

Displaced Children.—The NGO For the Rights of Children and Adolescents estimated that 15,000 children lived on the streets. Authorities in Caracas and several other jurisdictions imposed curfews on unsupervised minors to attempt to cope with this problem, but with institutions filled to capacity, hundreds of children accused of infractions, such as curfew violations, were confined in inadequate juvenile detention centers. The government's social-service mission, Mission Negra Hipolita, reported providing assistance to 6,112 street children and homeless persons during the year. According to the public defender, there are 243 public and private institutions for children abandoned or removed from dangerous home situations. These institutions lacked specialized personnel and adequate space and materials.

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

Anti-Semitism.—There were widespread reports of societal abuses or discrimination based on religious affiliation, belief, or practice, including anti-Semitism.

There were an estimated 9, 000 Jews in Venezuela. Jewish community leaders publicly expressed concern about numerous anti-Semitic statements in the official media and by President Chavez. For example:

On May 24, Jewish leaders filed a formal protest with the Prosecutor General's Office over the "incitement to hate" contained in an April 4 broadcast on the government-owned Radio del Sur. In that broadcast the station's director, Cristina Gonzalez, promoted the Protocols of the Elders of Zion as a "must-read." On May 9, the government announced Gonzalez had been replaced as the director for unspecified reasons; however, she continued to have two radio programs on the state-owned Radio Nacional de Venezuela.

On September 17, in a letter to U.N. Secretary-General Ban-Ki Moon in support of Palestinian statehood, President Chavez denounced Israel for committing "genocide" and "ethnic cleansing" of Palestinians and called Zionism "racism."

On July 14, a court sentenced six of the 11 defendants to 10 years in prison for the 2009 vandalism and desecration of the Tiferet Israel Synagogue in Caracas. The trial of the remaining five defendants began on July 15 and continued at year's end. The defendants were accused of conspiracy, aggravated theft, concealing weapons, religious disrespect, and embezzlement.

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 education, employment, health care, and the provision of other state services, but the government did not make a significant effort to implement the law, inform the public of it, or combat societal prejudice against persons with disabilities. The law requires that all newly constructed or renovated public parks and buildings provide access, but persons with disabilities had minimal access to public transportation, and ramps were practically nonexistent. Online resources and access to information were generally available to persons with disabilities. The National Commission for Persons with Disabilities (Conapdis), an independent agency affiliated with the Ministry for Participation and Social Development, and the Mission Jose Gregorio Hernandez advocate for the rights of persons with disabilities and provide them with medical, legal, occupational, and cultural programs. Through the new Mission for the Children of Venezuela, announced on November 25, the government has undertaken to provide monthly subsidies of BsF 600 ($140) to heads of households for each disabled child or adult whom they support.

Indigenous People.—The law prohibits discrimination based on ethnic origin, and senior government officials repeatedly stated support for indigenous rights. Many of the country's approximately 300,000 indigenous persons were isolated from urban areas, lacked access to basic health and educational facilities, and suffered from high rates of disease. The government included indigenous persons in its literacy campaigns, in some cases teaching them to read and write in their native languages as well as in Spanish.

The law provides for three seats in the National Assembly for deputies of indigenous origin and for "the protection of indigenous communities and their progressive

incorporation into the life of the nation." Nonetheless, NGOs and the press reported that local political authorities seldom took account of indigenous interests when making decisions affecting indigenous lands, cultures, traditions, or the allocation of natural resources. Indigenous persons called on the government to recognize lands traditionally inhabited by them as territories belonging to each respective indigenous group. The Yukpa indigenous group also called on the National Assembly to recognize the jurisdiction of indigenous courts to handle criminal cases involving its members.

Conflict between cattle ranchers/landowners and indigenous persons occurred sporadically. Civil society organizations criticized a government land-transfer program, which gave private dairy farms in Zulia State to the Yukpa indigenous group, for causing tension and violence in the region. On August 8, approximately 100 Yukpa invaded a private dairy farm in the Sierra de Perija region in the western part of the country to protest the government's failure to demarcate indigenous lands. After 12 days, the government sent National Guard members to remove the squatters. The government promised to activate committees composed of representatives of the government, indigenous communities, and landowners to implement the land demarcation agreement reached after a violent 2008 land invasion. On October 12, independent of the demarcation agreement, President Chavez expropriated approximately 39,000 acres of land in Zulia State, which included 25 private ranches, for the benefit of the Yukpa. He also created an "indigenous socialist" mission, Mission Guaicaipuro, to oversee the land transfer and incorporate Bolivarian social programs in indigenous communities.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity.—The constitution provides for equality before the law of all persons and prohibits discrimination based on sex or social condition. On this basis the Supreme Court has ruled that no individual may be discriminated against by reason of sexual orientation.

Violence against lesbian, gay, transgender, and bisexual (LGBT) communities reportedly occurred during the year, although nationwide statistics were unavailable. The media and leading advocates for the rights of LGBT persons noted that victims of hate crimes based on sexual orientation frequently did not report the incidents and were often subjected to threats or extortion if they did file official complaints.

In its report to the U.N. Human Rights Council in preparation for the UPR, the NGO Diversity and Sexual Equality claimed that, based on 750 interviews conducted in 2008, more than 50 percent of lesbians and gays reported suffering from societal violence or police abuse, and 83 percent of transgender persons reported having been victims of violence or other abuse. The report also stated that the government systematically denied legal recognition to transgender persons by preventing them from obtaining identity documents required for accessing education, employment, housing, and health care.

During the first six months of the year, the press reported that four transgender sex workers had been killed in Caracas: Jesus Nazaret Rondon, Luis Alberto Bravo, "Rubi," and "Samantha." The CICPC detained one suspect in Rondon's killing and three members of the "Prince" gang for the killings of Rubi, Samantha, and Bravo. The press reported the "Prince" gang extorted transsexuals who worked in the Libertador area of Caracas.

Other Societal Violence or Discrimination.—According to the comprehensive study on "The Right to Non-Discrimination for HIV in Venezuela" by the NGO Solidarity Action, based on a June-November 2010 survey of 1,332 persons diagnosed with HIV/AIDS, 82 percent of those polled reported "not receiving equal treatment" because of their HIV/AIDS status, and 22 percent claimed to have experienced acts of discrimination or violence, even in health centers. Only 22 percent reported filing complaints regarding this discrimination with government authorities. The study reported that 73 percent of HIV/AIDS patients had told only their doctor of their medical condition for fear of discrimination or harassment. Solidarity Action concluded that the stigmatization and discrimination discouraged testing and early diagnosis and treatment, made it impossible "to achieve greater advances in the national response to HIV," and "negatively affected . the exercise of their freedoms in their public as well as personal lives."

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining.—The law provides that all private and public sector workers (except armed forces members) have the right to form and join unions of their choice, and it protects collective bargaining and the right to strike. However, the law places several restrictions on these rights. Minimum membership requirements for unions differ based on the type of union. A minimum of 20 workers is required to form a company union; 40 workers in the

same field to form a professional, industrial, or sectoral union in one jurisdiction; 150 workers to form a regional or national union; and 100 independent workers to form a national professional, industrial, or sectoral union. The law requires that employers may negotiate a collective contract only with the union that represents the majority of their workers. Minority organizations cannot jointly negotiate in cases where no union represents an absolute majority.

Although the constitution and Organic Labor Law recognize the right of all public and private sector workers to strike in accordance with conditions established by labor law, other laws establish criminal penalties for the exercise of this right in certain circumstances. For example, article 56 of the Organic Law on the Security of the Nation prohibits and punishes with a five- to 10-year prison sentence anyone who "organizes, supports, or instigates the realization of activities within security zones that are intended to disturb or affect the organization and functioning of military installations, public services, industries and basic [mining] enterprises, or the social-economic life of the country." Articles 139 and 140 of the Law for the Defense of Persons in their Access to Goods and Services provide for prison terms of two to six years and six to 10 years, respectively, for those who restrict the distribution of goods and for "those . who develop or carry out actions or omissions that impede, either directly or indirectly, the production, manufacture, import, storing, transport, distribution, and commercialization of goods." Labor activists have been charged under these provisions as well as under the penal code for "instigation to commit a crime," "blocking public access," and restriction of the "right to work."

The constitution prohibits "any act of discrimination or interference contrary to the exercise" of workers' right to unionize. Replacement workers are not permitted during legal strikes; however, the president may order public or private sector strikers back to work and submit their disputes to arbitration if the strike "puts in immediate danger the lives or security of all or part of the population." In June the International Labor Organization (ILO) called on the government to amend the Law for the Defense of Persons in their Access to Goods and Services to exclude services "that are not essential in the strict sense of the term . [and] so that in no event may criminal sanctions be imposed in cases of peaceful strikes."

The law also places a number of restrictions on unions' ability to administer their activities. For example, the CNE has the authority to administer internal elections of labor unions, federations, and confederations. By law elections must be held at least every three years. If CNE-administered and -certified elections are not held within this period, the law prohibits union leaders from representing workers in negotiations or engaging in anything beyond administrative tasks.

The government did not enforce legal protections in the public sector. According to PROVEA, while "the National Institute for Prevention, Health, and Labor Security improved the inspection processes and has forced many private businesses to correct dangerous labor conditions, these demands were not made in a similar manner in enterprises and entities of the state."

The government placed restrictions on the freedom of association and right to collective bargaining through administrative and legal mechanisms. Labor unions complained of long delays in obtaining CNE concurrence to hold elections and in receiving certification of the election results, which hindered unions' ability to bargain collectively because union leaders were not permitted to represent workers in negotiations. The ILO noted that it repeatedly found cases of interference in trade union elections by the CNE.

In addition, the government was reportedly responsible for the creation of many "parallel" unions which sought to dilute the membership and effectiveness of traditional, independent unions. In general, these new unions were not subject to the same government scrutiny and requirements regarding leadership elections. For instance, on November 17, the National Assembly eliminated the requirement for medical professionals to belong to the Venezuelan Medical Federation and authorized the establishment of alternative unions. Critics charged the change was intended to permit graduates of the "integrated community doctors" program, created by the government, to avoid having to meet the federation's standards and regulations.

On October 10, some employees of the state-owned Venezolana de Television (VTV) established a new union, the National Socialist Union of VTV Workers (Sinsotra VTV), as an alternative to the longstanding union Movement of Organized Workers of Audiovisual Media of Venezuela (Motormav), which had been unsuccessful in getting the government to discuss a collective contract. The Motormav secretary general said the new organization was "led by the minister of communications and a group of workers who have turned their backs on the interests of the employees." The new union immediately announced that the minister of communications had agreed to discuss its less costly collective contract proposal.

In addition, the government prosecuted and punished union leaders and members for peaceful protests in defense of their labor rights. For example:

On February 28, the court sentenced union leader Ruben Gonzalez to seven and a half years in prison for his role in organizing a 2009 strike at the state-owned iron ore company Ferrominera Orinoco. The workers were protesting unpaid wages and the company's alleged failure to comply with other elements of the workers' collective agreement. On March 3, following protests by labor activists and students, the court released Gonzalez on the condition he not leave the country and report to the court every 15 days. In June the ILO called on the government to drop all charges against Gonzalez and compensate him for damages suffered. On July 8, Gonzalez publicly claimed the government was trying to fire him and 16 coworkers from their jobs in "political retaliation" for the strike.

In June the ILO called on the government to immediately release six PDVSA workers detained since 2009 for their participation in a strike and to drop the criminal charges against them.

The government continued to refuse to adjudicate or otherwise resolve the cases of 19,000 PDVSA employees who were fired during and after the 2002-03 national strike. The Ministry of Labor continued to deny registration to UNAPETROL, a union composed of these workers. On May 11, a fired employee, Jesus Malave, died of respiratory failure after a five-month hunger strike to protest the firings.

Union leaders were subject to violent attacks. PROVEA reported that 36 union leaders and workers were killed between October 2010 and September 2011. In one notable case, on June 9, progovernment unionist Renny Rojas was shot at the entrance to the Ferrominera Orinoco plant in Puerto Ordaz, Bolivar State, where workers were meeting to select a commission to organize the union's elections. A group of armed men attacked the meeting participants, killing Rojas and wounding two others. On August 8, the government accused Rodney Alvarez of committing the homicide; Alvarez was reportedly affiliated with Ruben Gonzalez's faction of the union (see above). Gonzalez publicly insisted that Hector Maican, a government supporter and the union's secretary of finance, was responsible for Rojas's death. The police initially detained Maican in connection with the shooting but subsequently dropped the homicide charge. Alvarez remained in custody pending trial at year's end.

PROVEA reported that the vast majority of the crimes against unionists went unpunished. In its report to the ILO Governing Body in June, the Committee on Freedom of Association expressed its "grave concern about the serious allegations of murders of workers and union officials."

According to PROVEA, "large sectors of national, state, and municipal public administrations and an important number of state enterprises continued to refuse to discuss collective agreements." PROVEA also noted the public sector's reliance on contracted employees, who are not covered by collective agreements. According to PROVEA, 1,800 workers at the National Statistics Institute were contracted employees, some of whom had been in this status for more than a decade.

b. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor. There was no information available regarding the government's enforcement of the law. There were isolated reports of trafficking in children for employment purposes, particularly in the informal economic sector (see section 7.c.). International organizations and NGOs also reported there were men, women, and children from Brazil, China, and Colombia subjected to forced labor, although there was no information available regarding the extent of the problem.

Also see the Department of State's 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 employment age at 14 years and permits children ages 12 to 14 to work only if the National Institute for Minors or the Ministry of Labor grants special permission. Children ages 14 to 16 may not work without permission of their legal guardians and may work no more than six hours per day or 30 hours per week. Minors under the age of 18 may work only between 6 a.m. and 7 p.m. Minors may not work in mines, smelting plants, or in other occupations that risk life or health or could damage intellectual or moral development.

Fines are established for employing children ages eight to 11 and for employing 12- or 13-year-olds without authorization. Employing a child younger than eight years of age is punishable by one to three years' imprisonment. Employers must notify authorities if they hire a minor as a domestic worker. The law establishes sentences of one to three years' incarceration for forced child labor.

The Ministry of Labor and the National Institute for Minors enforced child labor policies effectively in the formal sector of the economy but less so in the informal

sector. There was no information available on whether or how many employers were sanctioned for violations.

The Ministry of Education, Culture, and Sports ran educational programs to reincorporate school dropouts and adults into the educational system, and the government also continued to provide services to vulnerable children, including street children, working children, and children at risk of working. However, there was no independent accounting of the effectiveness of these and other government-supported programs.

According to a 2009 UNICEF study, approximately 370,000 children between the ages of 10 and 17 worked in either the formal or informal sectors as of 2007; children between the ages of 10 and13 constituted approximately 18 percent of this total. Most child laborers worked in the agricultural sector, domestic service, or in small to medium-sized businesses, most frequently in family-run operations. There were isolated reports that children were trafficked for exploitation as domestic servants and forced begging.

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 April 26, the government announced a 26.5 percent increase in the monthly minimum wage and in the salaries of all public-sector employees, implemented in two stages, which raised the minimum wage to BsF 1,548 (approximately $360). However, the country's recent annual inflation rate was 25-30 percent. Moreover, the real annual purchasing power of the minimum wage was reduced with the BsF devaluation from 2.6/$1 to 4.3/$1 for both essential and nonessential goods. According to the INE, as of August the monthly basic food basket cost BsF 1,576.11 (approximately $367), although the NGO Workers' Center for Documentation and Analysis reported that, for the same month, a basic food basket cost BsF 3,283.55 (approximately $764)—twice the minimum wage.

The law stipulates that the workweek may not exceed 44 hours. Managers are prohibited from obligating employees to work additional time, and workers have the right to weekly time away from work. Overtime may not exceed two hours daily, 10 hours weekly, or 100 hours annually and may not be paid at a rate less than time-and-one-half. The constitution establishes the right of workers to paid vacations, and the Organic Labor Law establishes that after completing one year with an employer, the worker has a right to 15 days of paid vacation annually. In subsequent years, the worker has the right to an additional day for every additional year of service, up to a maximum of 15 additional days annually.

The law provides for secure, hygienic, and adequate working conditions. Employers are required to report work-related accidents, and the law obligates employers to pay specified amounts (up to a maximum of 25 times the minimum monthly salary) to workers for accidents or occupational illnesses, regardless of who is responsible. Workplaces must maintain "sufficient protection for health and life against sickness and accidents," and penalties range from one quarter to twice the minimum monthly salary for first infractions. Under the law workers may remove themselves from dangerous workplace situations without jeopardy to continued employment.

The Organic Labor Law covers all workers including temporary, occasional, and domestic workers. The Labor Ministry enforced minimum wage rates and hours of work provisions effectively in the formal sector, but approximately half the population worked in the informal sector, where labor laws and protections generally were not enforced. There was no public information regarding the number of inspectors or the frequency of inspections to implement health and safety laws. Ministry inspectors seldom closed unsafe job sites.

While statistics were not publicly available, the press reported that, in the last five years, 47 workers died while working for state-owned petroleum, electrical, and mining industries. On April 17, the press reported one fatality at a government-owned steel plant.

APPENDIX A

Notes on Preparation of This Report

The annual Country Reports on Human Rights Practices are based on information available from a wide variety of sources, including U.S. and foreign government officials; victims of human rights abuse; academic and congressional studies; and reports from the press, international organizations, and nongovernmental organizations (NGOs) concerned with human rights. We find particularly helpful, and make reference in the reports to, the role of NGOs, ranging from groups within a single country to those that concern themselves with human rights worldwide. While much of the information that we use is already public, information on particular abuses frequently cannot be attributed, for obvious reasons, to specific sources. This report reflects the Department of State's assessments and concerns with respect to the human rights situation around the world. The Department of States does not use sources or information it believes lack credibility.

By law, the Secretary of State must submit the Country Reports to Congress by February 25. The Country Reports cover respect for human rights in foreign countries and territories worldwide. They do not purport to assess any human rights implications of actions taken by the U.S. government or its representatives.

To comply with the congressional requirement for the reporting of human rights practices, we provide guidance to U.S. diplomatic missions in August for submission in September and October of draft reports, which we update at year's end as necessary. Other offices in the Department of State provide contributions, and the Bureau of Democracy, Human Rights, and Labor prepares a final draft. Due to the submission deadline, the report will not reflect developments that became known after the end of the calendar year. However, in the introduction to the reports, we may make reference to major events or significant trends after the close of the calendar year.

We attempt to make the reports comprehensive, objective, and uniform in both scope and quality of coverage. We seek to maintain a high standard of consistency in the reports despite the multiplicity of sources and diversity of the countries of the world, but there is also a greater emphasis than in the past on flexibility in style in the interest of readability. We also began with the 2011 reports a process of streamlining them. As a result, there are not as many reported abuses cases, nor as extensive a follow-up on old but open abuses cases. Instead, we have selected a few illustrative ex-

amples, and we have adopted the practice of following up only on the previous year's high-profile open cases.

Evaluating the credibility of reports of human rights abuses is often difficult. Most governments and opposition groups deny that they commit human rights abuses and sometimes go to great lengths to conceal any evidence of such acts. There may be few eyewitnesses to specific abuses, and frequently eyewitnesses are intimidated or otherwise prevented from reporting what they know. On the other hand, individuals and groups opposed to a government sometimes have powerful incentives to exaggerate or fabricate abuses, and some governments similarly distort or exaggerate abuses attributed to opposition groups. We have made every effort to identify those groups (for example, government forces) or individuals who are believed, based on all the evidence available, to have committed human rights or other related abuses. Many governments that profess to oppose human rights abuses in fact secretly order or tacitly condone them or simply lack the will or the ability to control those responsible for abuses. Consequently, in judging a government's policy, the reports look beyond statements of policy or intent and examine what a government actually has done to prevent human rights abuses, including the extent to which it investigates, brings to trial, and appropriately punishes those who commit abuses.

For the first time, each country report begins with an executive summary that includes a description of the country's political structure, a brief account of a singularly important human rights development during the year, if one occurred, and a listing of the principal human rights problems in the country. Special attention is made to the existence of impunity for the security forces or other government elements.

We have continued the effort from previous years to cover human rights problems affecting women, children, persons with disabilities, and indigenous people. The appropriate section of each country report discusses any abuses that are targeted specifically against women (for example, rape or other violence perpetrated by governmental or organized opposition forces, or discriminatory laws or regulations). In Section 6, we discuss socioeconomic discrimination; discrimination against persons with HIV/AIDS; societal violence against women, children, the gay, lesbian, and transgender community, persons with disabilities, or ethnic minorities; and the efforts, if any, of governments to combat these problems.

The following notes on specific sections in each country report are not meant to be comprehensive descriptions but rather to provide an overview of the key problems covered and their organization:

Arbitrary or Unlawful Deprivation of Life.—Includes killings by governments without due process of law or where there is evidence of a political motive. This section also covers extrajudicial killings (for example, the unlawful and deliberate killing of individuals carried out by order of a government or with its complicity), as well as killings by police or security forces and actions that resulted in the unintended death of persons without due process of law. The section generally excludes combat deaths and killings by common criminals if the likelihood of political motivation can be ruled out.

Deaths in detention due to adverse conditions are covered in detail in the section on "Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment." Summary deaths at the hands of rebel forces are covered in an optional Section 1.g. if there was a significant internal conflict.

Disappearance.—Covers cases in which political motivation appears likely and in which the victims have not been found or perpetrators have not been identified. Cases eventually classified as political killings in which the bodies of missing persons are discovered also are covered in the previous section, while those eventually identified as having been arrested or held in detention may be covered under "Arbitrary Arrest or Detention."

Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Covers torture (an act of intentionally inflicting severe pain, whether physical or mental) and cruel, inhuman, or degrading treatment or punishment committed by or at the instigation of government forces, including paramilitary forces, or by opposition groups. The section discusses actual occurrences, not whether they fit any precise definition, and includes use of physical and other force that may fall short of torture but which is cruel, inhuman, or degrading, including judicially sanctioned violent or abusive punishment. There also may be discussion of poor treatment that may not constitute torture or cruel, inhuman, or degrading treatment. The section also covers prison conditions and deaths in prison due to adverse conditions.

Arbitrary Arrest or Detention.—Includes cases in which detainees, including political detainees, are held arbitrarily in official custody without being charged or, if charged, are denied a public preliminary judicial hearing within a reasonable period. The section also includes subsections on the role of the police and security apparatus, arrest and detention practices, and any amnesties that may have occurred during the year.

Denial of Fair Public Trial.—Notes whether there is an independent judiciary free of corruption and whether trials are both fair and public (failure to hold any trial is noted in the section above). The subsection "Political Prisoners and Detainees" covers persons convicted, imprisoned, or detained essentially for political beliefs or nonviolent acts of dissent or expression, regardless of the actual legal charge. The subsection "Civil Judicial Procedures and Remedies" notes whether there is access to an independent and impartial court to seek damages for or cessation of an alleged human rights violation. The optional subsection "Property Restitution" is included if there is a systemic failure of a government to enforce court orders with respect to restitution or compensation for the taking of private property under domestic law.

Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Includes government punishment of family members for alleged violations of law by individuals and efforts to coerce or forbid membership in a political organization. This section discusses the right of the individual to noninterference by the state. It includes the right to receive foreign publications, for example, while the right to publish is discussed under "Freedom of Speech and Press." It includes the right to be free from coercive population control measures, including coerced abortion and involuntary steri-

lization, but it does not include certain cultural or traditional practices, such as female genital mutilation, which are addressed in Section 6 under women's issues.

Use of Excessive Force and Other Abuses in Internal Conflicts.—This optional section (1.g.) describes abuses in countries experiencing significant internal conflict. It includes indiscriminate, nonselective killings arising from excessive use of force or by the shelling of villages (deliberate, targeted killing of civilians is discussed in the section on "Arbitrary or Unlawful Deprivation of Life"). This section also includes abuses against civilian noncombatants. For countries where use of this section would be inappropriate because there is no significant internal or external conflict, killings by security forces are discussed in the section on "Arbitrary or Unlawful Deprivation of Life." Nonlethal abuses are discussed in the section on "Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment." As necessary, the use of child soldiers either by government forces or rebel groups is discussed in this subsection. A new element for the 2011 reports in this subsection is required reporting of deliberate attacks on healthcare facilities, workers, ambulances, or patients, unless they commit or are used to commit hostile acts. Also required is the reporting of any restriction on medical facilities or services in a conflict zone that serve a humanitarian purpose.

Freedom of Speech and Press.—Evaluates whether these freedoms exist and describes any direct or indirect restrictions. A subsection ("Internet Freedom") includes discussion of monitoring or restriction on the expression of opinion via the Internet. Another subsection, entitled "Academic Freedom and Cultural Events," includes information on restrictions, intimidation, and censorship in these fields.

Freedom of Peaceful Assembly and Association.—Evaluates the ability of individuals and groups (including political parties) to exercise these freedoms. It considers instances of government failure to provide permits or licenses for meetings and demonstrations, as well as information on the ability of trade associations, professional bodies, NGOs, and similar groups to maintain relations or affiliate with recognized international bodies in their fields. The right of workers to associate, organize, and bargain collectively is discussed under Section 7 on "Worker Rights" (see Appendix B).

Freedom of Religion.—All country reports have a hyperlink to the most current International Religious Freedom Report published by the Department of State. Examples of anti-Semitism are located in Section 6 under a separate subsection, appearing after Children and before Trafficking.

Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—This section discusses whether and under what circumstances governments exiled citizens; restricted foreign travel, especially for women; and revoked passports. It includes subsections on "Internally Displaced Persons (IDPs)" (if applicable), "Protection of Refugees," and "Stateless Persons" (if applicable). As defined in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, refugees are persons outside their country of origin or, if stateless, outside their country of habitual residence who have a well-founded fear of persecution

for reasons of race, religion, nationality, membership in a particular social group, or political opinion, and who are unable or unwilling to avail themselves of the protection of that country. Under certain regional instruments, such as the Organization of African Unity convention governing the specific aspects of refugee problems in Africa, the term refugee may refer to persons displaced by civil strife, widespread violence, or natural disaster. The subsection "Protection of Refugees" reviews the government's extension of assistance and protection to refugees, including nonrefoulement, the provision of temporary protection, support for voluntary repatriation, longer-term integration opportunities, and third-country resettlement. It also covers abuse and discrimination against refugees. The subsection on stateless persons examines whether a country has habitual residents who are legally stateless (not recognized as nationals under the laws of any state) or de facto stateless (not recognized as nationals by any state even if these individuals have a claim to nationality under the laws of a particular state). The report reviews whether the government has implemented effectively laws and policies to provide such persons the opportunity to gain nationality on a nondiscriminatory basis. The subsection also examines, among other matters, whether there is violence or discrimination against stateless persons in employment, education, housing, health services, marriage or birth registration, access to courts, or the owning of property.

Respect for Political Rights: The Right of Citizens to Change Their Government.—Discusses the extent to which citizens have freedom of political choice and the legal right and ability in practice to change the laws and officials that govern them. The subsection "Elections and Political Participation" assesses whether elections were free and fair, including participation by women and minorities on an equal basis.

Official Corruption and Government Transparency.—This section covers allegations of corruption in the executive, legislative, and judicial branches of government and actions taken to combat it. The section covers whether the public has access in law and practice to government information.

Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.—This section discusses whether the government permits the free functioning of local human rights groups (including the right to investigate and publish their findings on alleged human rights abuses), whether these groups are subject to reprisal by government or other forces, and whether government officials are cooperative and responsive to their views. The section also discusses whether the government grants access to and cooperates with outside entities (including foreign human rights organizations, international organizations, and foreign governments) interested in human rights developments in the country. It reports on national human rights commissions, parliamentary commissions, relations with international war crimes tribunals, and truth or similar commissions.

Discrimination, Societal Abuses, and Trafficking in Persons.—This section contains subheadings on Women; Children; Anti-Semitism; Trafficking in Persons; Persons with Disabilities; Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Ori-

entation and Gender Identity; and Other Societal Violence or Discrimination. If applicable, it also includes subheadings on National/Racial/Ethnic Minorities, Indigenous People, and Promotion of Acts of Discrimination. The section addresses discrimination and abuses not discussed elsewhere in the report, focusing on laws, regulations, or state practices that are inconsistent with equal access to housing, employment, education, healthcare, or other governmental benefits for members of specific groups. (Abuses by government or opposition forces, such as killing, torture and other violence, or restriction of voting rights or free speech targeted against specific groups are addressed under the appropriate preceding sections.)

The subsection "Women" discusses societal violence against women, such as dowry deaths, "honor killings," wife beating, rape, female genital mutilation (on those over age 18; for younger girls it is covered in the subsection on "Children"), and government tolerance of such practices, as well as the extent to which the law provides for, and the government enforces, equality of economic opportunity for women. A paragraph on reproductive rights reports on the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children.

The subsection "Children" discusses violence or other abuse against children, and, as applicable, access to education and health care, as well as other issues.

The subsection on "Anti-Semitism" discusses anti-Semitic abuses. The material used to be found under Section 2.c. on Religious Freedom, but that section now contains a hyperlink to the most recent International Religious Freedom Report. Within that report, there is also material on anti-Semitism.

The "Trafficking in Persons" subsection contains a hyperlink to the most recent Trafficking in Persons Report of the Department of State.

The subsection "Persons with Disabilities" covers discrimination against persons with physical or mental disabilities in, among other things, employment, education, and the provision of other government services. The subsection on "Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity" notes laws criminalizing sexual orientation and reports on discrimination against gay, lesbian, bisexual, and transgender persons.

WORKER RIGHTS—SEE APPENDIX B

Explanatory Notes

Occasionally the Country Reports on Human Rights Practices state that a country "generally respected" the rights of its citizens. The phrase "generally respected" is used because the protection and promotion of human rights is a dynamic endeavor. It cannot accurately be stated that any government fully respected these rights all the time without qualification in even the best of circumstances. Accordingly, "generally respected" is a standard phrase used to describe all countries that attempt to protect human rights in the fullest sense, and it is thus the highest level of respect for human rights assigned by this report.

In some instances, Country Reports use the word "Islamist," which should be interpreted by readers as a Muslim who supports Islamic values and beliefs as the basis for political and social life.

Since the Secretary of State designates foreign groups or organizations as foreign terrorist organizations (FTOs) on the FTO list, only those groups on the most current Department of State FTO list will be described as "terrorists" in the reports.

When describing whether a government provides "protection against refoulement," the reports are referring to whether the government refrained from expelling or returning a refugee in any manner whatsoever to the frontiers of territories where his or her life or freedom would be threatened on account of race, religion, nationality, political opinion, or membership in a particular social group.

Subject headings in these reports are used to introduce general topics, and the report text that follows such headings is intended to describe facts generally relevant to those topics and is not intended to reach conclusions of a legal character.

APPENDIX B

Reporting on Worker Rights

The 1984 Generalized System of Preferences (GSP) Renewal Act requires annual reporting on the status of internationally recognized worker rights in GSP beneficiary countries. It defines internationally recognized worker rights to include: "(A) the right of association; (B) the right to organize and bargain collectively; (C) a prohibition on the use of any form of forced or compulsory labor; (D) a minimum age for the employment of children; and (E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health." All five aspects of worker rights are discussed in each country report under the section heading Worker Rights in four subsections: freedom of association and the right to collective bargaining; prohibition of forced or compulsory labor; prohibition of child labor and minimum age for employment; and acceptable conditions of work.

The discussion of worker rights considers not only laws and regulations but also their practical implementation. This discussion is informed by internationally recognized labor and antitrafficking standards, including the Conventions and Recommendations of the International Labor Organization (ILO) and the U.N. Organized Crime Convention Protocol to Prevent, Suppress, and Punish Trafficking in Persons. Some specific guidelines derived from these international standards are discussed below.

A. "The right of association" has been defined by the ILO to include the right of workers and employers to establish and join organizations of their own choosing without previous authorization; to draw up their own constitutions and rules, elect their representatives, and formulate their programs; to join in confederations and affiliate with international organizations; and to be protected against dissolution or suspension by administrative authority.

The right of association includes the right of workers to strike. While it is generally accepted for strikes to be restricted in the public sector and in essential services, the interruption of which would endanger the life, personal safety, or health of a significant portion of the population, these restrictions must be offset by adequate safeguards for the interests of the workers concerned (for example, mechanisms for mediation and arbitration, due process, and the right to judicial review of legal actions). Reporting on restrictions on the ability of workers to strike generally includes information on any procedures that may exist for safeguarding workers' interests.

B. "The right to organize and bargain collectively" includes the right of workers to be represented in negotiating the prevention and settlement of disputes with employers, the right to protection against interference, and the right to protection against acts of antiunion discrimination. Governments should promote mechanisms for voluntary negotiations between employers and workers and their organizations. Coverage of the right to organize and bargain collectively includes a review of the extent to which collective bargaining takes place and the extent to which workers, both in law and practice, are protected against antiunion discrimination.

C. "Forced or compulsory labor" is defined as work or service exacted under the menace of penalty and for which a person has not volunteered. "Work or service" does not apply where obligations are imposed to undergo education or training. "Menace of penalty" includes loss of rights or privileges as well as penal sanctions. The ILO has exempted the following from its definition of forced labor: compulsory military service, normal civic obligations, certain forms of prison labor, emergencies, and minor communal services. It further notes that constitutional provisions concerning the obligation of citizens to work do not violate this right so long as they do not take the form of legal obligations enforced by sanctions and are consistent with the principle of "freely chosen employment." The U.N. Trafficking Protocol also addresses forced labor, by requiring state parties to criminalize the recruitment, transport, transfer, receipt or harboring of a person for the purpose of forced labor or services extracted through coercive or fraudulent means.

D. "Prohibition of child labor and minimum age for employment" concerns the effective abolition of child labor by raising the minimum age for employment to a level consistent with the fullest physical and mental development of young people. ILO Convention 182 on the "worst forms of child labor" identifies anyone under the age of 18 as a child and specifies certain types of employment as "the worst forms of child labor." These worst forms of labor include slavery, debt bondage, forced labor, forced recruitment into armed conflict, child prostitution and pornography, involvement in illicit activity such as drug production or trafficking, and work that, "by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children." In limited circumstances, ILO Convention 182 permits the employment of children between the ages of 16 and 18 in what the convention describes as an "unhealthy environment," if adequate protective measures have been taken.

E. "Acceptable conditions of work" refers to the establishment and maintenance of mechanisms, adapted to national conditions, that provide for minimum working standards,namely: wages that provide a decent living for workers and their families; working hours that do not exceed 48 hours per week, with a full 24-hour day of rest; a specified number of annual paid leave days; and minimum conditions for the protection of the safety and health of workers.

APPENDIX C
Selected International Human Rights Conventions
(See Footnotes and Appendix D for Treaty/Convention Titles)

COUNTRY	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
Afghanistan	P	–	–	P	–	P	P	P	–	P	P	P	P	P	P	P	P	P	–	P	P	S	P	P	P	P	–
Albania*	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	S	–
Algeria	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Andorra	–	–	–	P	–	P	P	–	P	–	–	–	P	P	–	–	–	–	–	–	–	P	P	P	–	S	–
Angola	–	P	P	–	P	P	P	–	–	P	–	P	–	P	P	P	P	–	P	P	–	P	–	P	P	–	–
Antigua & Barbuda	P	P	P	P	P	P	P	–	–	1	P	P	P	–	–	P	P	–	P	P	P	P	P	P	P	S	–
Argentina	–	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–
Armenia	–	P	P	P	P	P	P	–	P	–	–	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Australia	P	P	P	P	P	P	P	–	–	P	P	P	P	P	P	P	P	–	–	P	P	P	P	P	P	P	–
Austria	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Azerbaijan	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	–	P	–	–	P	P	P	P	P	–
Bahamas	P	P	P	P	P	P	P	–	–	P	P	P	P	P	P	P	P	–	P	P	P	P	–	P	P	–	–
Bahrain	P	P	–	P	–	P	P	–	–	–	P	P	P	P	–	–	–	P	–	P	P	P	P	P	P	P	–
Bangladesh	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	–	–	–	–	P	P	P	P	P	P	P	–
Barbados	P	P	P	P	P	P	P	–	–	P	P	P	P	P	P	–	–	P	P	P	P	P	–	P	P	S	–
Belarus	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	–	–
Belgium	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Belize	1	P	P	P	P	P	P	–	–	–	1	P	P	P	S	P	P	–	P	P	P	P	P	P	P	P	–
Benin	2	P	P	–	P	P	P	–	–	–	–	P	P	P	P	P	P	–	P	P	P	P	P	P	P	S	–
Bhutan*	–	–	–	–	–	P	P	–	–	–	–	–	S	–	–	–	–	–	–	–	–	P	–	P	–	S	–
Bolivia	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	S	–
Bosnia & Herzegovina	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Botswana	1	P	P	–	P	P	P	–	–	–	1	P	P	P	–	P	P	–	P	P	P	P	P	P	P	–	–
Brazil	P	P	–	P	P	P	P	P	–	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–
Brunei*	1	–	–	–	–	P	P	–	–	–	1	–	–	–	–	–	–	–	P	P	P	P	–	P	–	S	–
Bulgaria	2	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	S	–
Burkina Faso	–	P	P	P	P	P	P	P	–	–	–	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	S
Burma	P	P	P	P	–	P	P	S	–	S	–	–	–	–	–	–	–	–	–	–	–	P	–	P	–	P	–

APPENDIX C—Continued
Selected International Human Rights Conventions
(See Footnotes and Appendix D for Treaty/Convention Titles)

COUNTRY	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
Burundi	–	P	P	P	P	P	P	–	–	P	–	P	P	P	P	P	P	–	P	P	P	P	P	P	P	S	S
Cambodia	–	P	P	P	P	P	P	S	–	S	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Cameroon	P	P	P	–	P	P	P	P	–	–	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	S	–
Canada	P	–	P	P	–	P	P	–	–	P	P	P	P	P	P	P	P	–	–	P	P	P	P	P	P	P	–
Cape Verde	–	P	P	–	P	P	P	–	–	–	–	P	P	P	P	–	P	–	P	P	P	P	P	P	P	P	–
Central African Republic	2	P	P	–	P	P	P	P	–	P	P	P	P	P	P	P	P	–	P	P	P	P	–	P	P	S	S
Chad	–	P	P	–	P	P	P	–	–	–	–	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	S
Chile	P	P	P	P	P	P	P	–	–	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–
China	2	–	–	P	–	P	P	–	–	P	–	–	P	S	P	P	P	–	P	P	P	P	P	P	P	P	–
China (Hong Kong)	P	–	–	P	–	–	–	–	–	P	–	–	P	–	–	–	–	–	–	–	–	P	P	P	–	–	–
China (Macau from 12–20–99)	–	–	–	P	–	–	–	–	–	–	–	–	P	–	–	–	–	–	–	–	–	–	–	P	–	–	–
China (Macau to 12–19–99)	–	–	–	P	–	–	–	P	–	–	P	–	P	P	P	P	P	–	–	–	–	P	P	P	–	–	–
China (Taiwan only)*	P	–	–	P	–	–	–	–	–	P	P	–	P	S	S	–	–	–	–	–	–	–	–	–	–	–	–
Colombia	S	P	P	P	P	P	P	–	–	P	–	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–
Comoros	–	P	P	P	P	P	P	–	–	–	–	P	P	–	–	–	–	–	P	P	P	P	S	P	P	S	S
Congo, Democratic Republic of	–	P	P	P	P	P	P	–	–	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	–	S
Congo, Republic of	2	P	P	–	P	P	P	P	–	P	P	P	P	P	P	P	P	–	P	P	P	P	–	P	P	S	S
Cook Islands	–	–	–	–	–	P	P	–	–	–	–	–	–	–	–	–	–	–	–	P	P	P	–	–	–	P	–
Costa Rica	–	P	P	P	P	P	P	–	–	P	–	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–
Cote D'Ivoire	2	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	S	S
Croatia	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Cuba	P	P	P	P	P	P	P	P	–	P	P	P	P	–	–	–	–	–	P	P	P	P	P	P	–	P	–
Cyprus	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	S	
Czech Republic	2	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–	–	P	P	P	P	P	P	P	–
Denmark	P	P	P	P	P	P	P	S	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Djibouti	–	P	P	–	P	P	P	P	–	–	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	S
Dominica	P	P	P	–	P	P	P	–	–	1	P	P	–	P	P	P	P	P	P	P	P	P	–	P	P	P	–
Dominican Republic	S	P	P	S	P	P	P	–	–	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–

East Timor	–	P	P	–	P	–	P	–	–	–	–	–	–	–	–	–	–	–	–	P	P	–	–	–	P	–	–
Ecuador	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–
Egypt	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
El Salvador	–	P	P	P	P	P	P	–	–	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–
Equatorial Guinea	–	P	P	–	P	P	P	–	–	–	–	P	P	P	P	P	P	–	P	P	P	P	P	P	P	–	S
Eritrea	–	P	P	–	P	P	P	–	–	–	–	P	P	P	P	–	–	–	P	–	–	P	–	P	–	–	–
Estonia	2	P	P	P	P	P	P	–	P	–	–	P	P	P	P	P	P	–	–	P	P	P	P	P	P	P	–
Ethiopia	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	S
European Union	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	P	–
Fiji	P	P	P	P	P	P	P	–	–	P	P	P	P	–	–	P	P	–	P	–	–	P	–	P	P	S	–
Finland	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	S	–
France	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Gabon	–	P	P	P	P	P	P	–	–	P	–	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	S
Gambia	1	P	P	P	P	P	P	–	–	–	1	P	P	P	P	P	P	–	P	P	P	P	S	P	P	–	S
Georgia	–	P	P	P	P	P	P	–	P	P	–	P	P	P	P	P	P	–	P	P	P	P	P	P	P	S	–
Germany	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Ghana	2	P	P	P	P	P	P	–	–	P	P	P	P	P	P	P	P	–	–	P	P	P	P	P	P	P	S
Greece	P	P	P	P	P	P	P	–	–	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Grenada	1	P	P	1	P	P	P	–	–	1	1	P	S	P	P	–	–	P	P	P	P	P	–	P	P	S	–
Guatemala	P	P	P	P	P	P	P	–	–	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–
Guinea	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Guinea-Bissau	–	P	–	–	P	P	P	–	–	–	–	P	P	P	P	P	P	P	–	P	P	P	S	P	–	–	–
Guyana	1	P	P	–	P	P	P	–	–	–	...	P	P	P	P	–	–	–	P	P	P	P	P	P	P	S	–
Haiti	2	P	P	P	P	P	P	P	–	P	P	P	P	P	–	P	P	P	P	P	P	P	–	P	–	P	–
Holy See	–	–	–	–	–	P	P	–	–	–	–	–	P	–	–	P	P	–	–	P	P	–	P	P	–	–	–
Honduras	–	P	P	P	P	P	P	P	–	–	–	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–
Hungary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Iceland	–	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	S	–
India	P	P	–	P	–	P	P	P	–	P	P	P	P	P	P	–	–	–	–	–	–	P	S	P	–	P	–
Indonesia	–	P	P	–	P	P	P	–	–	P	–	P	P	P	P	–	–	–	P	P	–	P	P	P	P	P	–
Iran	S	P	–	P	–	P	P	S	–	–	P	P	P	P	P	P	P	–	–	S	S	–	–	P	P	P	–
Iraq	P	P	–	P	P	P	P	P	–	–	P	P	P	P	P	–	–	–	P	P	–	P	–	P	P	–	–
Ireland	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	S	–
Israel	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–	P	–	–	P	P	P	P	P	–
Italy	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Jamaica	P	P	P	P	P	P	P	–	–	P	P	P	P	P	P	P	P	P	P	P	P	P	–	P	P	P	–

APPENDIX C—Continued
Selected International Human Rights Conventions
(See Footnotes and Appendix D for Treaty/Convention Titles)

COUNTRY	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
Japan	–	P	P	–	P	P	P	P	–	P	–	–	P	P	P	P	P	–	P	P	P	P	P	P	P	S	–
Jordan	P	P	–	P	P	P	P	P	–	P	P	P	P	P	P	–	–	–	P	P	P	P	P	P	P	P	–
Kazakhstan	–	P	P	P	P	P	P	S	P	P	–	P	P	P	P	P	P	–	P	P	P	P	P	P	P	S	–
Kenya	–	P	–	–	P	P	P	–	–	–	–	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Kiribati*	1	P	P	–	P	P	P	–	–	1	1	P	–	1	1	–	1	–	–	–	–	P	–	P	P	–	–
Korea, Dem. Rep. of*	–	–	–	P	–	P	P	–	–	–	–	–	–	P	P	–	–	–	–	P	–	P	–	P	–	–	–
Korea, Republic of*	–	–	–	P	–	P	P	P	–	P	–	–	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Kuwait	P	P	P	P	–	P	P	P	–	–	P	P	P	P	P	–	–	–	P	P	P	P	P	P	P	–	–
Kyrgyzstan	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	S	–
Laos	–	P	–	P	–	P	P	P	–	P	P	–	P	S	S	–	–	–	P	P	P	P	S	P	P	P	–
Latvia	2	–	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Lebanon	2	P	–	P	P	P	P	–	–	P	–	P	P	P	P	–	–	–	P	P	P	P	P	P	P	S	–
Lesotho	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Liberia	P	P	P	P	P	P	P	S	–	S	S	P	P	P	P	P	P	–	–	P	P	P	P	P	P	P	S
Libya	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	–	–	–	P	P	P	P	P	P	P	S	–
Liechtenstein*	–	–	–	P	–	P	P	–	P	–	–	–	P	P	P	P	P	–	–	P	P	P	P	P	–	–	–
Lithuania	S	P	P	P	P	P	P	–	P	–	–	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Luxembourg	–	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Macedonia	2	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	S	–
Madagascar	P	P	P	–	P	P	P	S	–	P	P	–	P	P	P	P	–	–	P	P	P	P	P	P	P	S	–
Malawi	P	P	P	–	P	P	P	P	–	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Malaysia	–	P	–	P	P	P	P	–	–	–	P	–	–	–	–	–	–	–	P	–	–	P	–	P	P	P	–
Maldives*	–	–	–	P	–	P	P	–	–	–	–	–	P	P	P	–	–	–	–	–	P	P	P	P	P	P	–
Mali	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	S
Malta	P	P	P	–	P	P	P	–	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Marshall Islands*	–	–	–	–	–	–	P	–	–	–	–	–	–	–	–	–	–	–	–	–	–	P	–	P	–	–	–
Mauritania	P	P	P	–	P	P	P	P	–	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	–	–
Mauritius	P	P	P	–	P	P	P	–	–	P	P	P	P	P	P	–	–	–	P	P	P	P	P	P	P	P	–

Mexico	P	P	P	P	–	P	P	P	–	P	P	P	P	P	P	P	P	P	–	P	–	P	P	P	P	P	–
Micronesia*	–	–	–	–	–	P	P	P	–	–	–	–	–	–	–	–	–	–	–	P	P	P	–	P	–	S	–
Moldova	–	P	P	P	P	P	P	–	P	P	–	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Monaco*	P	–	–	P	–	P	P	–	P	–	–	–	P	P	P	P	–	–	–	P	P	P	P	P	–	S	–
Mongolia	P	–	P	P	P	P	P	–	–	P	P	–	P	P	P	–	–	–	P	P	P	P	P	P	P	P	–
Montenegro	P	–	–	P	–	P	P	P	–	P	P	–	P	P	P	P	P	–	–	P	P	P	P	P	–	P	–
Morocco	P	P	–	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Mozambique	–	P	P	P	P	P	P	–	–	–	–	P	P	P	–	P	P	–	P	P	P	P	P	P	P	P	S
Namibia	–	P	P	P	P	P	P	–	–	–	–	P	P	P	P	P	–	–	P	P	P	P	P	P	P	P	S
Nauru*	–	–	–	–	–	P	P	–	–	–	–	–	S	S	–	P	P	–	–	P	P	P	S	P	–	P	–
Nepal	P	P	–	P	P	P	P	P	–	P	P	–	P	P	P	–	–	–	P	–	–	P	P	P	P	P	–
Netherlands	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	S	–
New Zealand	P	P	–	P	P	P	P	–	–	P	P	P	P	P	P	P	P	–	–	P	P	P	P	P	P	P	–
Nicaragua	P	P	P	P	P	P	P	–	–	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–
Niger	P	P	P	–	P	P	P	P	–	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Nigeria	P	P	P	–	P	P	P	–	–	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	S
Niue	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	P	–	–	–
Norway	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	S	–
Oman*	–	P	–	–	–	P	P	–	–	–	–	P	P	–	–	–	–	–	P	P	P	P	–	P	P	P	–
Pakistan	P	P	P	P	P	P	P	P	–	P	P	P	P	–	S	–	–	–	P	S	S	P	–	P	P	P	–
Palau	–	–	–	–	–	P	P	–	–	–	–	–	S	S	S	–	–	–	–	P	P	S	S	P	–	S	–
Panama	S	P	P	P	P	P	P	–	–	–	–	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–
Papua New Guinea	P	P	P	P	P	P	P	–	–	P	–	P	P	–	–	P	P	–	P	–	–	P	–	P	P	S	–
Paraguay	–	P	P	P	P	P	P	–	–	P	–	P	S	P	P	P	P	P	P	P	P	P	P	P	P	P	–
Peru	–	P	P	P	P	P	P	–	–	P	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–
Philippines	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Poland	2	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Portugal	2	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Qatar	–	P	–	–	–	P	P	–	–	–	–	–	P	–	–	–	–	–	P	P	P	–	P	P	P	P	–
Romania	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Russia	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	S	–
Rwanda	–	P	P	P	P	P	P	–	–	–	P	P	P	P	P	P	P	–	P	P	P	P	–	P	P	P	S
Samoa*	–	–	–	–	–	P	P	–	–	–	–	–	–	–	–	P	P	–	–	P	P	P	–	P	P	–	–
San Marino	–	P	P	–	P	P	P	–	P	–	P	P	P	P	P	–	–	–	P	P	P	–	P	P	P	P	–
Sao Tome & Principe	–	P	P	–	P	P	P	–	–	–	–	P	S	S	S	P	P	–	P	P	P	S	S	P	P	–	S
Saudi Arabia	P	P	–	P	–	P	P	–	–	–	P	P	P	–	–	–	–	–	–	P	P	P	P	P	P	P	–

APPENDIX C—Continued
Selected International Human Rights Conventions
(See Footnotes and Appendix D for Treaty/Convention Titles)

COUNTRY	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
Senegal	2	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Serbia	–	P	P	–	P	–	P	–	P	–	–	P	–	–	–	–	–	–	P	P	–	P	–	–	P	P	–
Seychelles	2	P	P	P	P	P	P	P	–	1	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Sierra Leone	P	P	P	–	P	P	P	–	–	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	S
Singapore	–	P	–	P	P	P	P	P	–	–	P	–	–	–	–	–	–	–	P	–	–	P	–	P	P	–	–
Slovak Republic	2	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Slovenia	–	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Solomon Islands	P	P	–	–	–	P	P	–	–	P	P	–	1	–	1	P	P	–	–	P	P	P	–	P	P	S	–
Somalia	–	P	–	–	–	P	P	–	–	–	–	P	P	P	P	P	P	–	–	–	–	–	P	S	–	–	S
South Africa*	P	P	P	P	P	P	P	P	–	S	–	P	P	P	S	P	P	–	P	P	P	P	P	P	P	P	–
Spain	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Sri Lanka	P	P	P	P	P	P	P	P	–	–	P	P	P	P	P	–	–	–	P	–	–	P	P	P	P	S	–
St. Kitts & Nevis*	1	P	P	–	P	P	P	–	–	1	1	P	P	–	–	P	–	–	P	P	P	P	–	P	P	–	–
St. Lucia	P	P	P	1	P	P	P	–	–	1	P	P	P	S	–	–	–	–	–	P	P	P	–	P	P	S	–
St. Vincent & the Grenadines*	P	P	P	P	P	P	P	–	–	P	P	P	P	P	P	P	–	–	P	P	P	P	P	P	P	P	–
Sudan	P	P	–	–	P	P	P	–	–	–	P	P	P	P	P	P	P	–	P	P	P	–	S	P	P	P	–
Suriname	2	P	P	–	P	P	P	–	–	1	P	P	P	P	P	P	P	P	–	P	P	P	–	P	P	S	–
Swaziland	1	P	P	–	P	P	P	–	–	P	1	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Sweden	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
Switzerland	P	P	P	P	P	P	P	–	P	–	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	–	–
Syria	P	P	P	P	P	P	P	P	–	–	P	P	P	P	P	–	–	–	P	P	–	–	P	P	P	P	–
Tajikistan*	–	P	P	–	P	P	P	P	–	P	–	P	P	P	P	P	P	–	P	P	P	P	P	P	P	–	–
Tanzania	P	P	P	P	P	P	P	–	–	P	P	P	P	P	P	P	P	–	P	P	P	P	–	P	P	P	–
Thailand	–	P	–	–	–	P	P	–	–	P	–	P	P	P	P	–	–	–	P	–	–	P	–	P	P	P	–
Togo	2	P	P	P	P	P	P	P	–	–	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	S
Tonga*	1	–	–	P	–	P	P	–	–	1	1	1	P	–	–	–	–	–	–	P	P	–	–	P	–	S	–
Trinidad & Tobago	P	P	P	–	P	P	P	–	–	P	P	P	P	P	P	P	P	–	P	P	P	P	–	P	P	S	–
Tunisia	P	P	P	P	P	P	P	–	–	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–

Turkey	P	P	P	P	P	P	P	–	P	P	P	P	P	S	S	P	P	–	P	–	–	P	P	P	P	P	–
Turkmenistan	P	P	P	–	P	P	P	–	–	P	P	P	P	P	P	P	P	–	–	P	P	P	P	P	–	P	–
Tuvalu*	1	–	–	–	–	P	P	–	–	1	1	–	–	1	–	P	P	–	–	–	–	P	–	P	–	–	–
Uganda	P	P	P	P	P	P	P	–	–	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	P
Ukraine	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
United Arab Emirates	–	P	–	P	–	P	P	–	–	–	–	P	P	–	–	–	–	–	P	P	P	P	P	P	P	P	–
United Kingdom	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
United States	P	–	–	P	–	P	P	–	–	P	P	P	P	P	S	–	P	S	–	S	S	S	P	S	P	S	–
Uruguay	S	P	P	P	P	P	P	–	–	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–
Uzbekistan	–	P	–	P	P	P	P	P	–	P	–	P	P	P	P	–	–	–	–	P	P	P	P	P	–	S	–
Vanuatu*	–	–	P	–	P	P	P	–	–	–	1	P	–	–	–	–	–	–	–	P	P	P	P	P	P	P	–
Venezuela	–	P	P	P	P	P	P	P	–	P	–	P	P	P	P	–	P	P	P	P	P	P	P	P	P	–	–
Vietnam*	P	–	–	P	–	P	P	–	–	–	–	–	P	P	P	–	–	–	P	P	–	P	–	P	P	S	–
Yemen	P	P	P	P	P	P	P	P	–	P	–	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–
former Yugoslavia	P	P	P	P	P	P	P	P	–	P	P	–	P	P	P	P	P	–	P	P	P	P	P	P	–	–	–
Zambia	P	P	P	–	P	P	P	–	–	P	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	S
Zimbabwe	1	P	P	P	P	P	P	P	–	P	P	P	P	P	P	P	P	–	P	P	P	P	–	P	P	–	S

P = Party
S = Signatory
* = non-ILO member
1 = Based on general declaration concerning treaty obligations prior to independence
2 = Party to 1926 Convention only

Key to Human Rights Conventions: 1-Slavery 2-ILO Convention 29 3-ILO Convention 87 4-Genocide 5-ILO Convention 98 6-Prisoners of War 7-Civilians in War 8-Traffic in Persons 9-European HR Conv. 10-Pol. Rights of Women 11-Suppl. Slavery Conv. 12-ILO Convention 105 13-Racial Discrimination 14-Civil and Pol. Rights 15-Econ./Soc./Cul. Rights 16-UN Refugee Convention 17-UN Refugee Protocol 18-American HR Conv. 19-ILO Convention 138 20-Geneva Protocol I 21-Geneva Protocol II 22-CEDAW 23-Torture 24-Rights of the Child 25-ILO Convention 182 26-Disabilities Convention 27-Kampala Convention

APPENDIX D

Description of International Human Rights Conventions in Appendix C

1. Convention to Suppress the Slave Trade and Slavery of September 25, 1926, as amended by the Protocol of December 7, 1953.
2. Convention Concerning Forced or Compulsory Labor of June 28, 1930 (ILO Convention 29).
3. Convention Concerning Freedom of Association and Protection of the Right to Organize of July 9, 1948 (ILO Convention 87).
4. Convention on the Prevention and Punishment of the Crime of Genocide of December 9, 1948.
5. Convention Concerning the Application of the Principles of the Right to Organize and Bargain Collectively of July 1, 1949 (ILO Convention 98).
6. Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949.
7. Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949.
8. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of March 21, 1950.
9. European Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950.
10. Convention on the Political Rights of Women of March 31, 1953.
11. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of September 7, 1956.
12. Convention Concerning the Abolition of Forced Labor of June 25, 1957 (ILO Convention 105).
13. International Convention on the Elimination of All Forms of Racial Discrimination of December 21, 1965.
14. International Covenant on Civil and Political Rights of December 16, 1966.
15. International Covenant on Economic, Social and Cultural Rights of December 16, 1966.
16. Convention Relating to the Status of Refugees of July 28, 1951.

17. Protocol Relating to the Status of Refugees of January 31, 1967.
18. American Convention on Human Rights of November 22, 1969.
19. Convention Concerning Minimum Age for Admission to Employment of June 26, 1973 (ILO Convention 138).
20. Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), of June 8, 1977.
21. Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), of June 8, 1977.
22. Convention on the Elimination of All Forms of Discrimination Against Women of December 18, 1979.
23. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of December 10, 1984.
24. Convention on the Rights of the Child of November 20, 1989.
25. Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor of June 17, 1999 (ILO Convention 182).
26. Convention on the Rights of Persons with Disabilities of December 13, 2006.
27. African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa of October 22, 2009.

Additional detail regarding each of these treaties can be accessed at: http://treaties.un.org/

APPENDIX E
FY 2011 Foreign Assistance Actuals, Part I
($ in thousands)

	All Accounts	DA	GHP 09USAID	GHP 09STATE	GHP Total	ESF	TI	AEECA	INCLE	NADR	IMET
TOTAL	31,596,032	2,519,950	2,498,000	5,334,310	7,832,310	5,931,714	54,890	695,740	1,593,806	738,520	105,788
Africa	7,915,306	987,337	1,265,573	3,646,673	4,912,246	503,540	–	–	61,368	42,600	16,110
Angola	60,871	2,300	40,353	10,300	50,653	–	–	–	–	7,500	418
Benin	30,990	2,557	28,197	–	28,197	–	–	–	–	–	236
Botswana	75,467	–	–	74,443	74,443	–	–	–	–	–	685
Burkina Faso	17,886	–	5,988	–	5,988	–	–	–	–	–	246
Burundi	56,980	2,736	11,544	15,000	26,544	–	–	–	–	–	352
Cameroon	24,965	–	1,500	21,250	22,750	–	–	–	–	–	285
Cape Verde	123	–	–	–	–	–	–	–	–	–	123
Central African Republic	6,775	–	–	–	–	–	–	–	–	–	–
Chad	90,354	–	–	–	–	–	–	–	–	–	391
Comoros	125	–	–	–	–	–	–	–	–	–	125
Cote d'Ivoire	112,827	–	–	93,305	93,305	14,715	–	–	–	–	89
Democratic Republic of the Congo	268,166	–	86,046	39,635	125,681	45,915	–	–	6,000	1,000	500
Djibouti	13,391	4,000	400	1,800	2,200	–	–	–	–	–	372
Ethiopia	778,670	77,782	106,482	289,089	395,571	–	–	–	–	–	650
Gabon	448	–	–	–	–	–	–	–	–	–	248
Ghana	165,885	92,568	62,543	9,000	71,543	–	–	–	500	–	825
Guinea	25,017	7,000	17,469	–	17,469	–	–	–	500	–	48
Guinea-Bissau	10	–	–	–	–	–	–	–	–	–	10
Kenya	786,621	75,813	75,345	498,760	574,105	–	–	–	2,000	8,000	929
Lesotho	33,236	–	6,400	26,650	33,050	–	–	–	–	–	186
Liberia	215,814	–	32,340	2,800	35,140	124,532	–	–	16,000	–	522
Madagascar	77,579	1,350	52,797	500	53,297	–	–	–	–	–	–
Malawi	172,571	37,000	67,995	46,448	114,443	–	–	–	–	–	400
Mali	137,906	71,143	54,597	1,500	56,097	–	–	–	–	–	397
Mauritania	5,442	–	–	–	–	–	–	–	–	–	184
Mauritius	155	–	–	–	–	–	–	–	–	–	155
Mozambique	387,143	39,165	62,674	261,953	324,627	–	–	–	500	2,000	402
Namibia	103,272	–	1,946	101,122	103,068	–	–	–	–	–	204
Niger	52,045	2,500	–	–	–	–	–	–	–	–	66

APPENDIX E—Continued
FY 2011 Foreign Assistance Actuals, Part I
($ in thousands)

	All Accounts	DA	GHP 09USAID	GHP 09STATE	GHP Total	ESF	TI	AEECA	INCLE	NADR	IMET
Nigeria	632,464	55,791	101,971	471,227	573,198	–	–	–	1,250	–	1,013
Republic of the Congo	123	–	–	–	–	–	–	–	–	–	123
Rwanda	207,886	49,482	42,415	109,072	151,487	–	–	–	–	–	559
Sao Tome and Principe	180	–	–	–	–	–	–	–	–	–	180
Senegal	98,813	44,600	51,253	1,535	52,788	–	–	–	–	–	1,026
Seychelles	94	–	–	–	–	–	–	–	–	–	94
Sierra Leone	19,302	–	–	500	500	6,500	–	–	–	–	394
Somalia	144,963	–	1,547	–	1,547	19,627	–	–	–	2,000	–
South Africa	571,440	15,734	15,469	535,319	550,788	–	–	–	2,000	1,300	820
South Sudan	395,382	–	34,848	12,036	46,884	223,431	–	–	25,000	2,800	763
Sudan	238,626	–	–	–	–	26,393	–	–	2,000	1,100	–
Swaziland	59,799	–	6,900	52,700	59,600	–	–	–	–	–	199
Tanzania	509,650	75,193	89,222	336,254	425,476	–	–	–	450	–	455
The Gambia	120	–	–	–	–	–	–	–	–	–	120
Togo	286	–	–	–	–	–	–	–	–	–	286
Uganda	472,070	60,586	75,349	309,084	384,433	–	–	–	235	–	608
Zambia	379,701	36,226	52,794	283,661	336,455	–	–	–	–	–	422
Zimbabwe	147,455	–	37,459	39,330	76,789	25,578	–	–	–	–	–
African Union	760	–	–	–	–	760	–	–	–	–	–
State Africa Regional (AF)	57,517	–	–	–	–	16,089	–	–	4,933	16,900	–
USAID Africa Regional (AFR)	86,971	68,850	18,121	–	18,121	–	–	–	–	–	–
USAID Central Africa Regional	21,150	21,150	–	–	–	–	–	–	–	–	–
USAID East Africa Regional	56,773	47,449	8,524	800	9,324	–	–	–	–	–	–
USAID Southern Africa Regional	31,130	27,530	2,000	1,600	3,600	–	–	–	–	–	–
USAID West Africa Regional	81,917	68,832	13,085	–	13,085	–	–	–	–	–	–
East Asia and Pacific	742,869	318,877	130,899	98,468	229,367	90,892	–	–	17,885	28,376	9,291
Burma	38,527	–	2,100	–	2,100	36,427	–	–	–	–	–
Cambodia	75,408	24,000	32,460	3,000	35,460	12,000	–	–	–	2,940	260
China	17,800	7,000	–	5,000	5,000	5,000	–	–	800	–	–
Indonesia	205,727	123,995	37,191	5,250	42,441	–	–	–	10,520	7,000	1,811
Laos	7,224	1,455	1,000	–	1,000	–	–	–	1,000	1,900	200

Malaysia	2,256	–	–	–	–	–	–	–	–	1,300	956
Marshall Islands	537	492	–	–	–	–	–	–	–	–	45
Micronesia	492	492	–	–	–	–	–	–	–	–	–
Mongolia	10,441	6,198	–	–	–	–	–	–	–	250	997
North Korea3,493	–	–	–	–	3,493	–	–	–	–	–	
Papua New Guinea	5,000	–	2,500	2,500	5,000	–	–	–	–	–	–
Philippines	144,333	79,055	32,437	–	32,437	–	–	–	2,065	9,525	1,971
Samoa	113	–	–	–	–	–	–	–	–	–	113
Singapore	250	–	–	–	–	–	–	–	–	250	–
Taiwan	250	–	–	–	–	–	–	–	–	250	–
Thailand	12,968	5,051	1,000	500	1,500	–	–	–	1,740	1,541	1,568
Timor-Leste	17,086	11,139	1,996	–	1,996	2,994	–	–	660	–	297
Vietnam	126,897	22,000	–	81,978	81,978	18,463	–	–	–	2,020	476
State East Asia and Pacific Regional	15,612	–	–	–	–	12,515	–	–	1,100	1,400	597
USAID Regional Development Mission/Asia (RDM/A)	58,455	38,000	20,215	240	20,455	–	–	–	–	–	–
Europe and Eurasia	818,005	–	14,582	22,528	37,110	15,852	–	583,900	–	19,685	30,287
Albania	27,706	–	–	–	–	–	–	20,000	–	2,650	1,064
Armenia	44,417	–	399	–	399	–	–	39,725	–	850	449
Azerbaijan	26,400	–	1,248	–	1,248	–	–	20,000	–	1,215	943
Belarus	13,864	–	–	–	–	–	–	13,864	–	–	–
Bosnia and Herzegovina	48,727	–	–	–	–	–	–	42,000	–	1,250	986
Bulgaria	11,259	–	–	–	–	–	–	–	–	–	1,778
Croatia	4,899	–	–	–	–	–	–	–	–	450	956
Cyprus	8,862	–	–	–	–	8,362	–	–	–	500	–
Czech Republic	7,980	–	–	–	–	–	–	–	–	–	1,992
Estonia	3,838	–	–	–	–	–	–	–	–	–	1,143
Georgia	87,088	–	–	850	850	–	–	65,800	–	2,575	1,895
Greece	98	–	–	–	–	–	–	–	–	–	98
Hungary	2,075	–	–	–	–	–	–	–	–	–	1,077
Kosovo	85,428	–	–	–	–	–	–	79,000	–	750	678
Latvia	3,929	–	–	–	–	–	–	–	–	–	1,135
Lithuania	4,137	–	–	–	–	–	–	–	–	–	1,143
Macedonia	28,203	–	–	–	–	–	–	22,650	–	520	1,041
Malta	552	–	–	–	–	–	–	–	–	–	153
Moldova	22,295	–	–	–	–	–	–	19,500	–	400	898
Montenegro	10,927	–	–	–	–	–	–	8,000	–	1,000	455
Poland	36,022	–	–	–	–	–	–	–	–	–	2,090
Portugal	93	–	–	–	–	–	–	–	–	–	93
Romania	14,724	–	–	–	–	–	–	–	–	–	1,750
Russia	66,138	–	8,488	2,300	10,788	–	–	54,350	–	1,000	–

APPENDIX E—Continued
FY 2011 Foreign Assistance Actuals, Part I
($ in thousands)

	All Accounts	DA	GHP 09USAID	GHP 09STATE	GHP Total	ESF	TI	AEECA	INCLE	NADR	IMET
Serbia	48,939	–	–	–	–	–	–	45,000	–	1,150	893
Slovakia	2,347	–	–	–	–	–	–	–	–	–	950
Slovenia	1,460	–	–	–	–	–	–	–	–	–	712
Turkey	5,415	–	–	–	–	–	–	–	–	1,425	3,990
Ukraine	123,243	–	3,997	19,378	23,375	–	–	86,261	–	2,700	1,925
Eurasia Regional	41,805	–	450	–	450	2,495	–	37,860	–	1,000	–
Europe Regional	32,635	–	–	–	–	2,495	–	29,890	–	250	–
International Fund for Ireland	2,500	–	–	–	–	2,500	–	–	–	–	–
Near East	6,878,300	19,039	8,982	–	8,982	1,675,925	–	–	290,340	62,215	17,294
Algeria	9,835	–	–	–	–	–	–	–	–	650	953
Bahrain	17,396	–	–	–	–	–	–	–	–	1,500	435
Egypt	1,553,775	–	–	–	–	249,500	–	–	1,000	4,600	1,275
Iraq	471,796	–	–	–	–	325,700	–	–	114,560	29,800	1,736
Israel	2,994,000	–	–	–	–	–	–	–	–	–	–
Jordan	678,184	–	–	–	–	362,274	–	–	250	12,500	3,760
Lebanon	186,351	–	–	–	–	84,725	–	–	19,500	4,800	2,476
Libya	5,654	–	–	–	–	–	–	–	–	–	–
Morocco	34,141	19,039	–	–	–	2,281	–	–	750	1,100	1,989
Oman	16,122	–	–	–	–	–	–	–	–	1,500	1,622
Saudi Arabia	364	–	–	–	–	–	–	–	–	360	4
Tunisia	25,749	–	–	–	–	5,000	–	–	1,500	175	1,950
United Arab Emirates230	–	–	–	–	–	–	–	–	230	–	
West Bank and Gaza	550,128	–	–	–	–	395,699	–	–	150,000	–	–
Yemen	82,905	–	8,982	–	8,982	26,606	–	–	1,750	4,500	1,094
Egypt Debt Relief	100,000	–	–	–	–	100,000	–	–	–	–	–
Middle East Multilaterals (MEM)	1,140	–	–	–	–	1,140	–	–	–	–	–
Middle East Partnership Initiative (MEPI)	80,000	–	–	–	–	80,000	–	–	–	–	–
Middle East Regional Cooperation (MERC)	3,000	–	–	–	–	3,000	–	–	–	–	–
Multinational Force and Observers (MFO)	26,000	–	–	–	–	–	–	–	–	–	–
Near East Regional Democracy	35,000	–	–	–	–	35,000	–	–	–	–	–
Trans-Sahara Counter-Terrorism Partnership (TSCTP)	1,530	–	–	–	–	–	–	–	1,030	500	–

USAID Middle East Regional (OMEP)	5,000	–	–	–	–	5,000	–	–	–	–	–
South and Central Asia	5,013,464	146,527	278,453	23,504	301,957	2,906,927	–	111,840	522,558	111,575	13,088
Afghanistan	2,620,823	–	69,660	250	69,910	1,967,509	–	–	400,000	69,300	1,555
Bangladesh	190,701	79,286	61,483	–	61,483	–	–	–	350	2,575	994
India	121,600	26,500	78,385	9,000	87,385	–	–	–	–	5,200	1,601
Kazakhstan	17,567	–	1,996	–	1,996	–	–	10,400	–	1,900	876
Kyrgyz Republic	41,364	–	998	–	998	–	–	36,500	–	1,550	820
Maldives	3,179	3,000	–	–	–	–	–	–	–	–	179
Nepal	88,964	19,000	32,645	–	32,645	16,979	–	–	3,700	900	1,010
Pakistan	1,798,201	–	28,443	–	28,443	918,904	–	–	114,298	24,800	4,055
Sri Lanka	27,837	14,741	–	–	–	–	–	–	–	450	952
Tajikistan	44,482	–	1,248	–	1,248	–	–	40,290	–	1,725	469
Turkmenistan	11,012	–	399	–	399	–	–	8,500	–	1,075	288
Uzbekistan	11,335	–	2,196	–	2,196	–	–	8,250	–	600	289
Central Asia Regional	23,154	–	1,000	14,254	15,254	–	–	7,900	–	–	–
State South and Central Asia Regional (SCA)	9,245	–	–	–	–	3,535	–	–	4,210	1,500	–
USAID South Asia Regional	4,000	4,000	–	–	–	–	–	–	–	–	–
Western Hemisphere	1,856,199	361,463	130,977	203,323	334,300	435,130	–	–	506,220	25,200	14,458
Argentina	897	–	–	–	–	–	–	–	300	300	297
Belize	410	–	–	20	20	–	–	–	–	–	190
Bolivia	41,915	10,350	16,367	–	16,367	–	–	–	15,000	–	198
Brazil	23,321	15,000	4,990	1,300	6,290	–	–	–	1,000	400	631
Chile	1,321	–	–	–	–	–	–	–	–	500	821
Colombia	453,218	–	–	–	–	184,426	–	–	204,000	4,750	1,695
Costa Rica	743	–	–	–	–	–	–	–	–	–	394
Cuba	20,000	–	–	–	–	20,000	–	–	–	–	–
Dominican Republic	36,996	18,103	9,043	9,250	18,293	–	–	–	–	–	600
Ecuador	24,254	17,270	–	–	–	–	–	–	4,500	–	400
El Salvador	29,778	23,904	3,086	20	3,106	–	–	–	–	–	1,521
Guatemala	110,161	49,325	18,068	–	18,068	–	–	–	3,992	–	192
Guyana	16,911	3,000	–	13,525	13,525	–	–	–	–	–	386
Haiti	380,261	–	26,946	156,240	183,186	131,000	–	–	19,420	–	220
Honduras	56,017	42,266	10,988	1,000	11,988	–	–	–	–	–	765
Jamaica	7,589	5,350	1,200	300	1,500	–	–	–	–	–	739
Mexico	178,145	25,000	3,455	–	3,455	18,000	–	–	117,000	5,700	1,006
Nicaragua	24,065	16,400	5,891	897	6,788	–	–	–	–	–	538
Panama	2,984	–	–	–	–	–	–	–	–	150	738
Paraguay	6,806	5,500	–	–	–	–	–	–	500	–	407
Peru	96,581	49,789	9,123	50	9,173	–	–	–	31,500	2,000	619
Suriname	251	–	–	–	–	–	–	–	–	–	251

APPENDIX E—Continued
FY 2011 Foreign Assistance Actuals, Part I
($ in thousands)

	All Accounts	DA	GHP 09USAID	GHP 09STATE	GHP Total	ESF	TI	AEECA	INCLE	NADR	IMET
The Bahamas	201	–	–	–	–	–	–	–	–	–	201
Trinidad and Tobago	253	–	–	–	–	–	–	–	–	–	253
Uruguay	989	–	–	–	–	–	–	–	–	–	590
Venezuela	5,000	–	–	–	–	5,000	–	–	–	–	–
Barbados and Eastern Caribbean	32,337	11,231	5,750	14,550	20,300	–	–	–	–	–	806
State Western Hemisphere Regional (WHA)	213,579	–	–	–	–	76,704	–	–	109,008	11,400	–
USAID Central America Regional	28,562	17,000	5,391	6,171	11,562	–	–	–	–	–	–
USAID Latin America and Caribbean Regional (LAC)	52,835	47,445	5,390	–	5,390	–	–	–	–	–	–
USAID South America Regional	9,819	4,530	5,289	–	5,289	–	–	–	–	–	–
Asia Middle East Regional	29,631	18,491	5,490	650	6,140	5,000	–	–	–	–	–
Asia Middle East Regional	29,631	18,491	5,490	650	6,140	5,000	–	–	–	–	–
BFS: Bureau for Food Security	248,306	248,306	–	–	–	–	–	–	–	–	–
BFS: Board for International Food and Agricultural Development (BIFAD)	300	300	–	–	–	–	–	–	–	–	–
BFS: Community Development	12,000	12,000	–	–	–	–	–	–	–	–	–
BFS: Disaster Risk Reduction	5,000	5,000	–	–	–	–	–	–	–	–	–
BFS: Market Access for Vulnerable Populations	18,000	18,000	–	–	–	–	–	–	–	–	–
BFS: Monitoring and Evaluation	15,000	15,000	–	–	–	–	–	–	–	–	–
BFS: Private Sector Incentives	24,006	24,006	–	–	–	–	–	–	–	–	–
BFS: Research and Development	120,000	120,000	–	–	–	–	–	–	–	–	–
FTF Unallocated29,000	29,000	–	–	–	–	–	–	–	–	–	
USAID Country Support (BFS)	25,000	25,000	–	–	–	–	–	–	–	–	–
CT: Counterterrorism	137,500	–	–	–	–	–	–	–	–	137,500	–
S/CT: RSI, Regional Strategic Initiative	23,000	–	–	–	–	–	–	–	–	23,000	–
State Bureau of Counterterrorism (CT)	114,500	–	–	–	–	–	–	–	–	114,500	–
DCHA: Democracy, Conflict, and Humanitarian Assistance	978,928	96,830	12,974	–	12,974	30,458	54,890	–	–	–	–
Complex Crises Fund	39,920	–	–	–	–	–	–	–	–	–	–
DCHA: FEWSNet	13,000	13,000	–	–	–	–	–	–	–	–	–
DCHA/ASHA	21,000	21,000	–	–	–	–	–	–	–	–	–
DCHA/CMM	3,500	3,500	–	–	–	–	–	–	–	–	–
DCHA/CMM: Reconciliation Programs	25,948	9,980	–	–	–	15,968	–	–	–	–	–

DCHA/DG: Core	28,850	16,350	–	–	–	4,500	–	–	–	–	–
DCHA/DG: Elections and Political Process Fund	30,325	–	–	–	–	–	–	–	–	–	–
DCHA/DG: Global Labor Program	9,496	–	–	–	–	–	–	–	–	–	–
DCHA/DG: SPANS, Special Protection and Assistance Needs of Survivors	42,164	19,200	12,974	–	12,974	9,990	–	–	–	–	–
DCHA/FFP: Contingency	132,765	–	–	–	–	–	–	–	–	–	–
DCHA/FFP: Non-Contingency	8,300	8,300	–	–	–	–	–	–	–	–	–
DCHA/OFDA	563,270	–	–	–	–	–	–	–	–	–	–
DCHA/OTI	54,890	–	–	–	–	–	54,890	–	–	–	–
DCHA/PPM	5,500	5,500	–	–	–	–	–	–	–	–	–
DRL: Democracy, Human Rights and Labor	66,949	–	–	–	–	–	–	–	–	–	–
State Democracy, Human Rights, and Labor (DRL)	66,949	–	–	–	–	–	–	–	–	–	–
EGAT: Economic Growth, Education, and Environment	208,852	181,000	–	–	–	15,352	–	–	–	–	–
USAID Economic Growth, Education and Environment (EGAT)	208,852	181,000	–	–	–	15,352	–	–	–	–	–
G/TIP: Office to Monitor and Combat Trafficking in Persons	16,233	–	–	–	–	–	–	–	16,233	–	–
State Office to Monitor and Combat Trafficking in Persons (G/TIP)	16,233	–	–	–	–	–	–	–	16,233	–	–
GH: Global Health	320,991	–	320,991	–	320,991	–	–	–	–	–	–
Global Health: Core	320,991	–	320,991	–	320,991	–	–	–	–	–	–
GH: International Partnerships	329,079	–	329,079	–	329,079	–	–	–	–	–	–
GH/IP: Blind Children	1,996	–	1,996	–	1,996	–	–	–	–	–	–
GH/IP: Commodity Fund	20,335	–	20,335	–	20,335	–	–	–	–	–	–
GH/IP: Global Alliance for Vaccine Immunization (GAVI)	89,820	–	89,820	–	89,820	–	–	–	–	–	–
GH/IP: International AIDS Vaccine Initiative (IAVI)	28,710	–	28,710	–	28,710	–	–	–	–	–	–
GH/IP: Iodine Deficiency Disorder (IDD)	1,500	–	1,500	–	1,500	–	–	–	–	–	–
GH/IP: Microbicides	45,000	–	45,000	–	45,000	–	–	–	–	–	–
GH/IP: Neglected Tropical Diseases (NTD)	76,846	–	76,846	–	76,846	–	–	–	–	–	–
GH/IP: Pandemic Influenza and Other Emerging Threats	47,904	–	47,904	–	47,904	–	–	–	–	–	–
GH/IP: TB Drug Facility	14,970	–	14,970	–	14,970	–	–	–	–	–	–
GH/IP: MDR Financing	1,998	–	1,998	–	1,998	–	–	–	–	–	–
INL: International Narcotics and Law Enforcement Affairs	179,202	–	–	–	–	–	–	–	179,202	–	–
INL: Alien Smuggling/Border Security	1,000	–	–	–	–	–	–	–	1,000	–	–
INL: Anti-Money Laundering Programs	4,150	–	–	–	–	–	–	–	4,150	–	–
INL: CFSP, Critical Flight Safety Program	16,250	–	–	–	–	–	–	–	16,250	–	–
INL: Civilian Policing	4,000	–	–	–	–	–	–	–	4,000	–	–
INL: Criminal Youth Gangs	7,000	–	–	–	–	–	–	–	7,000	–	–
INL: Cyber Crime and IPR	3,750	–	–	–	–	–	–	–	3,750	–	–
INL: Demand Reduction	12,500	–	–	–	–	–	–	–	12,500	–	–
INL: Fighting Corruption	12,500	–	–	–	–	–	–	–	12,500	–	–
INL: ILEA, International Law Enforcement Academy	34,000	–	–	–	–	–	–	–	34,000	–	–

APPENDIX E—Continued
FY 2011 Foreign Assistance Actuals, Part I
($ in thousands)

	All Accounts	DA	GHP 09USAID	GHP 09STATE	GHP Total	ESF	TI	AEECA	INCLE	NADR	IMET
INL: Inter-regional Aviation Support	57,052	–	–	–	–	–	–	–	57,052	–	–
INL: International Organizations	4,500	–	–	–	–	–	–	–	4,500	–	–
INL: International Organized Crime	1,000	–	–	–	–	–	–	–	1,000	–	–
INL: Program Development and Support	29,250	–	–	–	–	–	–	–	29,250	–	–
IO: International Organizations	351,290	–	–	–	–	–	–	–	–	–	–
IO: ICAO International Civil Aviation Organization	950	–	–	–	–	–	–	–	–	–	–
IO: IDLO International Development Law Organization	650	–	–	–	–	–	–	–	–	–	–
IO: IMO International Maritime Organization	400	–	–	–	–	–	–	–	–	–	–
IO: International Chemicals and Toxins Programs	3,800	–	–	–	–	–	–	–	–	–	–
IO: International Conservation Programs	7,500	–	–	–	–	–	–	–	–	–	–
IO: International Panel on Climate Change / U.N. Framework Convention on Climate Change	10,000	–	–	–	–	–	–	–	–	–	–
IO: Montreal Protocol Multilateral Fund	25,500	–	–	–	–	–	–	–	–	–	–
IO: Multilateral Action Initiatives	1,000	–	–	–	–	–	–	–	–	–	–
IO: OAS Development Assistance	4,750	–	–	–	–	–	–	–	–	–	–
IO: OAS Fund for Strengthening Democracy	3,000	–	–	–	–	–	–	–	–	–	–
IO: U.N. OCHA U.N. Office for the Coordination of Humanitarian Affairs	2,940	–	–	–	–	–	–	–	–	–	–
IO: U.N. Voluntary Funds for Technical Cooperation in the Field of Human Rights	1,372	–	–	–	–	–	–	–	–	–	–
IO: U.N. Women (formerly UNIFEM)	6,000	–	–	–	–	–	–	–	–	–	–
IO: UN-HABITAT U.N. Human Settlements Program	2,000	–	–	–	–	–	–	–	–	–	–
IO: UNCDF U.N. Capital Development Fund	625	–	–	–	–	–	–	–	–	–	–
IO: UNDF U.N. Democracy Fund	5,000	–	–	–	–	–	–	–	–	–	–
IO: UNDP U.N. Development Program	84,775	–	–	–	–	–	–	–	–	–	–
IO: UNEP U.N. Environment Program	7,700	–	–	–	–	–	–	–	–	–	–
IO: UNESCO / ICSECA International Contributions for Scientific, Educational, and Cultural Activities	1,850	–	–	–	–	–	–	–	–	–	–
IO: UNFPA U.N. Population Fund	37,000	–	–	–	–	–	–	–	–	–	–
IO: UNHCHR U.N. High Commissioner for Human Rights	3,238	–	–	–	–	–	–	–	–	–	–
IO: UNICEF U.N. Children's Fund	132,250	–	–	–	–	–	–	–	–	–	–

IO: UNVFVT U.N. Voluntary Fund for Victims of Torture	5,700	–	–	–	–	–	–	–	–	–	–
IO: WMO World Meteorological Organization	2,090	–	–	–	–	–	–	–	–	–	–
IO: WTO Technical Assistance	1,200	–	–	–	–	–	–	–	–	–	–
ISN: International Security and Nonproliferation	266,823	–	–	–	–	–	–	–	–	266,823	–
MFS: Multilateral Food Security Programs	25,000	25,000	–	–	–	–	–	–	–	–	–
Multilateral Food Security Programs	25,000	25,000	–	–	–	–	–	–	–	–	–
Middle East Response Fund	135,000	–	–	–	–	135,000	–	–	–	–	–
Middle East Response Fund	135,000	–	–	–	–	135,000	–	–	–	–	–
ODP - Office of Development Partners	78,471	78,471	–	–	–	–	–	–	–	–	–
ODP - Cooperative Development Program (CDP)	7,000	7,000	–	–	–	–	–	–	–	–	–
ODP - Development Grants Program (DGP)	25,000	25,000	–	–	–	–	–	–	–	–	–
ODP - Private Sector Alliances (PSA)	28,171	28,171	–	–	–	–	–	–	–	–	–
ODP - Volunteers for Prosperity (VfP)	1,700	1,700	–	–	–	–	–	–	–	–	–
USAID Office of Development Partners (ODP)	16,600	16,600	–	–	–	–	–	–	–	–	–
OES: Oceans and International Environmental and Scientific Affairs	105,552	–	–	–	–	105,552	–	–	–	–	–
OES/CC Climate Change	80,000	–	–	–	–	80,000	–	–	–	–	–
OES/FTA-E FTA Environment	3,800	–	–	–	–	3,800	–	–	–	–	–
OES/M Mercury	1,150	–	–	–	–	1,150	–	–	–	–	–
OES/OESP OES Partnerships	1,002	–	–	–	–	1,002	–	–	–	–	–
OES/SPFF South Pacific Forum Fisheries	18,000	–	–	–	–	18,000	–	–	–	–	–
OES/W Water	1,600	–	–	–	–	1,600	–	–	–	–	–
PM: Political-Military Affairs	222,999	–	–	–	–	–	–	–	–	44,546	5,260
PM: Conventional Weapons Destruction	44,546	–	–	–	–	–	–	–	–	44,546	–
PM: FMF Administrative Expenses	54,453	–	–	–	–	–	–	–	–	–	–
PM: IMET Administrative Expenses	5,260	–	–	–	–	–	–	–	–	–	5,260
PM: TSCTP, Trans-Sahara Counter-Terrorism Partnership	19,940	–	–	–	–	–	–	–	–	–	–
PM: GPOI	98,800	–	–	–	–	–	–	–	–	–	–
PPL: Policy, Planning and Learning	18,000	17,000	–	–	–	1,000	–	–	–	–	–
PPL: Donor Engagement	1,000	1,000	–	–	–	–	–	–	–	–	–
PPL: Learning, Evaluation and Research	9,000	9,000	–	–	–	–	–	–	–	–	–
PPL: Science and Technology	8,000	7,000	–	–	–	1,000	–	–	–	–	–
PRM: Population, Refugees, and Migration	1,744,504	–	–	–	–	–	–	–	–	–	–
PRM, Administrative Expenses	28,000	–	–	–	–	–	–	–	–	–	–
PRM, Emergency Funds	49,900	–	–	–	–	–	–	–	–	–	–
PRM, Humanitarian Migrants to Israel	25,000	–	–	–	–	–	–	–	–	–	–
PRM, OA: Africa	345,822	–	–	–	–	–	–	–	–	–	–
PRM, OA: East Asia	38,300	–	–	–	–	–	–	–	–	–	–
PRM, OA: Europe	49,700	–	–	–	–	–	–	–	–	–	–
PRM, OA: Migration	18,200	–	–	–	–	–	–	–	–	–	–

APPENDIX E—Continued
FY 2011 Foreign Assistance Actuals, Part I
($ in thousands)

	All Accounts	DA	GHP 09USAID	GHP 09STATE	GHP Total	ESF	TI	AEECA	INCLE	NADR	IMET
PRM, OA: Near East	533,300	–	–	–	–	–	–	–	–	–	–
PRM, OA: Protection Priorities	136,548	–	–	–	–	–	–	–	–	–	–
PRM, OA: South Asia	105,650	–	–	–	–	–	–	–	–	–	–
PRM, OA: Western Hemisphere	57,084	–	–	–	–	–	–	–	–	–	–
PRM, Refugee Admissions	357,000	–	–	–	–	–	–	–	–	–	–
Reserve	16,268	6,432	–	–	–	9,836	–	–	–	–	–
Unallocated Earmarks	16,268	6,432	–	–	–	9,836	–	–	–	–	–
S/GAC : Office of the Global AIDS Coordinator	1,339,164	–	–	1,339,164	1,339,164	–	–	–	–	–	–
S/GAC, International Partnerships	791,414	–	–	791,414	791,414	–	–	–	–	–	–
S/GAC, Oversight/Management	171,874	–	–	171,874	171,874	–	–	–	–	–	–
S/GAC, Technical Support//Strategic Information/Evaluation	375,876	–	–	375,876	375,876	–	–	–	–	–	–
Special Representatives	1,250	–	–	–	–	1,250	–	–	–	–	–
S/SRMC: Special Representative to Muslim Communities	1,250	–	–	–	–	1,250	–	–	–	–	–
USAID Forward: Program Effectiveness Initiatives	13,000	13,000	–	–	–	–	–	–	–	–	–
USAID Forward: Program Effectiveness Initiatives	13,000	13,000	–	–	–	–	–	–	–	–	–
USAID Management	1,536,720	–	–	–	–	–	–	–	–	–	–
Civilian Stabilization Initiative	4,990	–	–	–	–	–	–	–	–	–	–
USAID Capital Investment Fund	129,740	–	–	–	–	–	–	–	–	–	–
USAID Development Credit Authority Admin	8,283	–	–	–	–	–	–	–	–	–	–
USAID Inspector General Operating Expense	46,407	–	–	–	–	–	–	–	–	–	–
USAID Operating Expense	1,347,300	–	–	–	–	–	–	–	–	–	–
USAID Program Management Initiatives	2,177	2,177	–	–	–	–	–	–	–	–	–
USAID Program Management Initiatives	2,177	2,177	–	–	–	–	–	–	–	–	–

APPENDIX E
FY 2010 Foreign Assistance Acutals, Part II
($ in thousands)

	FMF	PKO	ERMA	IO&P	MRA	FFP	IDA	DF	AID Admin	PCCF	CCF
TOTAL	5,374,230	304,390	49,900	351,290	1,694,604	1,497,000	863,270	114,770	1,536,720	297,220	39,920
Africa	19,098	159,650	–	–	–	1,213,357	–	–	–	–	–
Angola	–	–	–	–	–	–	–	–	–	–	–
Benin	–	–	–	–	–	–	–	–	–	–	–
Botswana	339	–	–	–	–	–	–	–	–	–	–
Burkina Faso	–	–	–	–	–	11,652	–	–	–	–	–
Burundi	–	–	–	–	–	27,348	–	–	–	–	–
Cameroon	–	–	–	–	–	1,930	–	–	–	–	–
Cape Verde	–	–	–	–	–	–	–	–	–	–	–
Central African Republic	–	–	–	–	–	6,775	–	–	–	–	–
Chad	399	–	–	–	–	89,564	–	–	–	–	–
Comoros	–	–	–	–	–	–	–	–	–	–	–
Cote d'Ivoire	–	–	–	–	–	4,718	–	–	–	–	–
Democratic Republic of the Congo	300	21,520	–	–	–	67,250	–	–	–	–	–
Djibouti	1,996	–	–	–	–	4,823	–	–	–	–	–
Ethiopia	–	–	–	–	–	304,667	–	–	–	–	–
Gabon	200	–	–	–	–	–	–	–	–	–	–
Ghana	449	–	–	–	–	–	–	–	–	–	–
Guinea	–	–	–	–	–	–	–	–	–	–	–
Guinea-Bissau	–	–	–	–	–	–	–	–	–	–	–
Kenya	998	–	–	–	–	124,776	–	–	–	–	–
Lesotho	–	–	–	–	–	–	–	–	–	–	–
Liberia	7,173	5,000	–	–	–	27,447	–	–	–	–	–
Madagascar	–	–	–	–	–	22,932	–	–	–	–	–
Malawi	172,571	37,000	67,995	46,448	114,443	–	–	–	–	–	400
Mali200	–	–	–	–	10,069	–	–	–	–	–	
Mauritania	200	–	–	–	–	5,058	–	–	–	–	–
Mauritius	–	–	–	–	–	–	–	–	–	–	–
Mozambique	–	–	–	–	–	20,449	–	–	–	–	–
Namibia	–	–	–	–	–	–	–	–	–	–	–
Niger	–	–	–	–	–	49,479	–				

APPENDIX E—Continued
FY 2010 Foreign Assistance Acutals, Part II
($ in thousands)

	FMF	PKO	ERMA	IO&P	MRA	FFP	IDA	DF	AID Admin	PCCF	CCF
Nigeria	1,212	–	–	–	–	–	–	–	–	–	–
Republic of the Congo	–	–	–	–	–	–	–	–	–	–	–
Rwanda	300	–	–	–	–	6,058	–	–	–	–	–
Sao Tome and Principe	–	–	–	–	–	–	–	–	–	–	–
Senegal	399	–	–	–	–	–	–	–	–	–	–
Seychelles	–	–	–	–	–	–	–	–	–	–	–
Sierra Leone	–	–	–	–	–	11,908	–	–	–	–	–
Somalia	–	75,300	–	–	–	46,489	–	–	–	–	–
South Africa	798	–	–	–	–	–	–	–	–	–	–
South Sudan	–	41,870	–	–	–	54,634	–	–	–	–	–
Sudan	–	–	–	–	–	209,133	–	–	–	–	–
Swaziland	–	–	–	–	–	–	–	–	–	–	–
Tanzania	200	–	–	–	–	7,876	–	–	–	–	–
The Gambia	–	–	–	–	–	–	–	–	–	–	–
Togo	–	–	–	–	–	–	–	–	–	–	–
Uganda	300	–	–	–	–	25,908	–	–	–	–	–
Zambia	–	–	–	–	–	6,598	–	–	–	–	–
Zimbabwe	–	–	–	–	–	45,088	–	–	–	–	–
African Union	–	–	–	–	–	–	–	–	–	–	–
State Africa Regional (AF)	3,635	15,960	–	–	–	–	–	–	–	–	–
USAID Africa Regional (AFR)	–	–	–	–	–	–	–	–	–	–	–
USAID Central Africa Regional	–	–	–	–	–	–	–	–	–	–	–
USAID East Africa Regional	–	–	–	–	–	–	–	–	–	–	–
USAID Southern Africa Regional	–	–	–	–	–	–	–	–	–	–	–
USAID West Africa Regional	–	–	–	–	–	–	–	–	–	–	–
East Asia and Pacific	39,202	–	–	–	–	8,979	–	–	–	–	–
Burma	–	–	–	–	–	–	–	–	–	–	–
Cambodia	748	–	–	–	–	–	–	–	–	–	–
China	–	–	–	–	–	–	–	–	–	–	–
Indonesia	19,960	–	–	–	–	–	–	–	–	–	–
Laos	–	–	–	–	–	1,669	–	–	–	–	–

Malaysia	–	–	–	–	–	–	–	–	–	–	–
Marshall Islands	–	–	–	–	–	–	–	–	–	–	–
Micronesia	–	–	–	–	–	–	–	–	–	–	–
Mongolia	2,996	–	–	–	–	–	–	–	–	–	–
North Korea	–	–	–	–	–	–	–	–	–	–	–
Papua New Guinea	–	–	–	–	–	–	–	–	–	–	–
Philippines	11,970	–	–	–	–	7,310	–	–	–	–	–
Samoa	–	–	–	–	–	–	–	–	–	–	–
Singapore	–	–	–	–	–	–	–	–	–	–	–
Taiwan	–	–	–	–	–	–	–	–	–	–	–
Thailand	1,568	–	–	–	–	–	–	–	–	–	
Timor-Leste	–	–	–	–	–	–	–	–	–	–	–
Vietnam	1,960	–	–	–	–	–	–	–	–	–	–
State East Asia and Pacific Regional	–	–	–	–	–	–	–	–	–	–	–
USAID Regional Development Mission/Asia (RDM/A)	–	–	–	–	–	–	–	–	–	–	–
Europe and Eurasia	131,171	–	–	–	–	–	–	–	–	–	–
Albania	3,992	–	–	–	–	–	–	–	–	–	–
Armenia	2,994	–	–	–	–	–	–	–	–	–	–
Azerbaijan	2,294	–	–	–	–	–	–	–	–	–	–
Belarus	–	–	–	–	–	–	–	–	–	–	–
Bosnia and Herzegovina	4,491	–	–	–	–	–	–	–	–	–	–
Bulgaria	9,481	–	–	–	–	–	–	–	–	–	–
Croatia	3,493	–	–	–	–	–	–	–	–	–	–
Cyprus	–	–	–	–	–	–	–	–	–	–	–
Czech Republic	5,988	–	–	–	–	–	–	–	–	–	–
Estonia	2,695	–	–	–	–	–	–	–	–	–	–
Georgia	15,968	–	–	–	–	–	–	–	–	–	–
Greece	–	–	–	–	–	–	–	–	–	–	–
Hungary	998	–	–	–	–	–	–	–	–	–	–
Kosovo	5,000	–	–	–	–	–	–	–	–	–	–
Latvia	2,794	–	–	–	–	–	–	–	–	–	–
Lithuania	2,994	–	–	–	–	–	–	–	–	–	–
Macedonia	3,992	–	–	–	–	–	–	–	–	–	–
Malta	399	–	–	–	–	–	–	–	–	–	–
Moldova	1,497	–	–	–	–	–	–	–	–	–	–
Montenegro	1,472	–	–	–	–	–	–	–	–	–	–
Poland	33,932	–	–	–	–	–	–	–	–	–	–
Portugal	–	–	–	–	–	–	–	–	–	–	–
Romania	12,974	–	–	–	–	–	–	–	–	–	–
Russia	–	–	–	–	–	–	–	–	–	–	–

APPENDIX E—Continued
FY 2010 Foreign Assistance Acutals, Part II
($ in thousands)

	FMF	PKO	ERMA	IO&P	MRA	FFP	IDA	DF	AID Admin	PCCF	CCF
Serbia	1,896	–	–	–	–	–	–	–	–	–	–
Slovakia	1,397	–	–	–	–	–	–	–	–	–	–
Slovenia	748	–	–	–	–	–	–	–	–	–	–
Turkey	–	–	–	–	–	–	–	–	–	–	–
Ukraine	8,982	–	–	–	–	–	–	–	–	–	–
Eurasia Regional	–	–	–	–	–	–	–	–	–	–	–
Europe Regional	–	–	–	–	–	–	–	–	–	–	–
International Fund for Ireland	–	–	–	–	–	–	–	–	–	–	–
Near East	4,740,177	26,000	–	–	–	38,328	–	–	–	–	–
Algeria	–	–	–	–	–	8,232	–	–	–	–	–
Bahrain	15,461	–	–	–	–	–	–	–	–	–	–
Egypt	1,297.400	–	–	–	–	–	–	–	–	–	–
Iraq	–	–	–	–	–	–	–	–	–	–	–
Israel	2,994,000	–	–	–	–	–	–	–	–	–	–
Jordan	299,000	–	–	–	–	–	–	–	–	–	–
Lebanon	74,850	–	–	–	–	–	–	–	–	–	–
Libya	–	–	–	–	–	5,654	–	–	–	–	–
Morocco	8,982	–	–	–	–	–	–	–	–	–	–
Oman	13,000	–	–	–	–	–	–	–	–	–	–
Saudi Arabia	–	–	–	–	–	–	–	–	–	–	–
Tunisia	17,124	–	–	–	–	–	–	–	–	–	–
United Arab Emirates	–	–	–	–	–	–	–	–	–	–	–
West Bank and Gaza	–	–	–	–	–	4,429	–	–	–	–	–
Yemen	19,960	–	–	–	–	20,013	–	–	–	–	–
Egypt Debt Relief	–	–	–	–	–	–	–	–	–	–	–
Middle East Multilaterals (MEM)	–	–	–	–	–	–	–	–	–	–	–
Middle East Partnership Initiative (MEPI)	–	–	–	–	–	–	–	–	–	–	–
Middle East Regional Cooperation (MERC)	–	–	–	–	–	–	–	–	–	–	–
Multinational Force and Observers (MFO)	–	26,000	–	–	–	–	–	–	–	–	–
Near East Regional Democracy	–	–	–	–	–	–	–	–	–	–	–
Trans-Sahara Counter-Terrorism Partnership (TSCTP)	–	–	–	–	–	–	–	–	–	–	–

USAID Middle East Regional (OMEP)	–	–	–	–	–	–	–	–	–	–	–
South and Central Asia	305,652	–	–	–	–	296,120	–	–	–	297,220	–
Afghanistan	–	–	–	–	–	112,549	–	–	–	–	–
Bangladesh	2,957	–	–	–	–	43,056	–	–	–	–	–
India	–	–	–	–	–	914	–	–	–	–	–
Kazakhstan	2,395	–	–	–	–	–	–	–	–	–	–
Kyrgyz Republic	1,496	–	–	–	–	–	–	–	–	–	–
Maldives	–	–	–	–	–	–	–	–	–	–	–
Nepal	898	–	–	–	–	13,832	–	–	–	–	–
Pakistan	295,408	–	–	–	–	115,073	–	–	–	297,220	–
Sri Lanka	998	–	–	–	–	10,696	–	–	–	–	–
Tajikistan	750	–	–	–	–	–	–	–	–	–	–
Turkmenistan	750	–	–	–	–	–	–	–	–	–	–
Uzbekistan	–	–	–	–	–	–	–	–	–	–	–
Central Asia Regional	–	–	–	–	–	–	–	–	–	–	–
State South and Central Asia Regional (SCA)	–	–	–	–	–	–	–	–	–	–	–
USAID South Asia Regional	–	–	–	–	–	–	–	–	–	–	–
Western Hemisphere	84,477	–	–	–	–	94,951	–	–	–	–	–
Argentina	–	–	–	–	–	–	–	–	–	–	–
Belize	200	–	–	–	–	–	–	–	–	–	–
Bolivia	–	–	–	–	–	–	–	–	–	–	–
Brazil	–	–	–	–	–	–	–	–	–	–	–
Chile	–	–	–	–	–	–	–	–	–	–	–
Colombia	47,904	–	–	–	–	10,443	–	–	–	–	–
Costa Rica	349	–	–	–	–	–	–	–	–	–	–
Cuba	–	–	–	–	–	–	–	–	–	–	–
Dominican Republic	–	–	–	–	–	–	–	–	–	–	–
Ecuador	499	–	–	–	–	1,585	–	–	–	–	–
El Salvador	1,247	–	–	–	–	–	–	–	–	–	–
Guatemala	499	–	–	–	–	38,085	–	–	–	–	–
Guyana	–	–	–	–	–	–	–	–	–	–	–
Haiti	1,597	–	–	–	–	44,838	–	–	–	–	–
Honduras	998	–	–	–	–	–	–	–	–	–	–
Jamaica	–	–	–	–	–	–	–	–	–	–	–
Mexico	7,984	–	–	–	–	–	–	–	–	–	–
Nicaragua	339	–	–	–	–	–	–	–	–	–	–
Panama	2,096	–	–	–	–	–	–	–	–	–	–
Paraguay	399	–	–	–	–	–	–	–	–	–	–
Peru	3,500	–	–	–	–	–	–	–	–	–	–
Suriname	–	–	–	–	–	–	–	–	–	–	–

APPENDIX E—Continued
FY 2010 Foreign Assistance Acutals, Part II
($ in thousands)

	FMF	PKO	ERMA	IO&P	MRA	FFP	IDA	DF	AID Admin	PCCF	CCF
The Bahamas	–	–	–	–	–	–	–	–	–	–	–
Trinidad and Tobago	–	–	–	–	–	–	–	–	–	–	–
Uruguay	399	–	–	–	–	–	–	–	–	–	–
Venezuela	–	–	–	–	–	–	–	–	–	–	–
Barbados and Eastern Caribbean	–	–	–	–	–	–	–	–	–	–	–
State Western Hemisphere Regional (WHA)	16,467	–	–	–	–	–	–	–	–	–	–
USAID Central America Regional	–	–	–	–	–	–	–	–	–	–	–
USAID Latin America and Caribbean Regional (LAC)	–	–	–	–	–	–	–	–	–	–	–
USAID South America Regional	–	–	–	–	–	–	–	–	–	–	–
Asia Middle East Regional	–	–	–	–	–	–	–	–	–	–	–
Asia Middle East Regional	–	–	–	–	–	–	–	–	–	–	–
BFS: Bureau for Food Security	–	–	–	–	–	–	–	–	–	–	–
BFS: Board for International Food and Agricultural Development (BIFAD)	–	–	–	–	–	–	–	–	–	–	–
BFS: Community Development	–	–	–	–	–	–	–	–	–	–	–
BFS: Disaster Risk Reduction	–	–	–	–	–	–	–	–	–	–	–
BFS: Market Access for Vulnerable Populations	–	–	–	–	–	–	–	–	–	–	–
BFS: Monitoring and Evaluation	–	–	–	–	–	–	–	–	–	–	–
BFS: Private Sector Incentives	–	–	–	–	–	–	–	–	–	–	–
BFS: Research and Development	–	–	–	–	–	–	–	–	–	–	–
FTF Unallocated	–	–	–	–	–	–	–	–	–	–	–
USAID Country Support (BFS)	–	–	–	–	–	–	–	–	–	–	–
CT: Counterterrorism	–	–	–	–	–	–	–	–	–	–	–
S/CT: RSI, Regional Strategic Initiative	–	–	–	–	–	–	–	–	–	–	–
State Bureau of Counterterrorism (CT)	–	–	–	–	–	–	–	–	–	–	–
DCHA: Democracy, Conflict, and Humanitarian Assistance	–	–	–	–	–	–167,235	863,270	47,821	–	–	39,920
Complex Crises Fund	–	–	–	–	–	–	–	–	–	–	39,920
DCHA: FEWSNet	–	–	–	–	–	–	–	–	–	–	–
DCHA/ASHA	–	–	–	–	–	–	–	–	–	–	–
DCHA/CMM	–	–	–	–	–	–	–	–	–	–	–
DCHA/CMM: Reconciliation Programs	–	–	–	–	–	–	–	–	–	–	–

DCHA/DG: Core	–	–	–	–	–	–	–	8,000	–	–	–
DCHA/DG: Elections and Political Process Fund	–	–	–	–	–	–	–	30,325	–	–	–
DCHA/DG: Global Labor Program	–	–	–	–	–	–	–	9,496	–	–	–
DCHA/DG: SPANS, Special Protection and Assistance Needs of Survivors	–	–	–	–	–	–	–	–	–	–	–
DCHA/FFP: Contingency	–	–	–	–	–	–167,235	300,000	–	–	–	–
DCHA/FFP: Non-Contingency	–	–	–	–	–	–	–	–	–	–	–
DCHA/OFDA	–	–	–	–	–	–	563,270	–	–	–	–
DCHA/OTI	–	–	–	–	–	–	–	–	–	–	–
DCHA/PPM	–	–	–	–	–	–	–	–	–	–	–
DRL: Democracy, Human Rights and Labor	–	–	–	–	–	–	–	66,949	–	–	–
State Democracy, Human Rights, and Labor (DRL)	–	–	–	–	–	–	–	66,949	–	–	–
EGAT: Economic Growth, Education, and Environment	–	–	–	–	–	12,500	–	–	–	–	–
USAID Economic Growth, Education and Environment (EGAT)	–	–	–	–	–	12,500	–	–	–	–	–
G/TIP: Office to Monitor and Combat Trafficking in Persons	–	–	–	–	–	–	–	–	–	–	–
State Office to Monitor and Combat Trafficking in Persons (G/TIP)	–	–	–	–	–	–	–	–	–	–	–
GH: Global Health	–	–	–	–	–	–	–	–	–	–	–
Global Health: Core	–	–	–	–	–	–	–	–	–	–	–
GH: International Partnerships	–	–	–	–	–	–	–	–	–	–	–
GH/IP: Blind Children	–	–	–	–	–	–	–	–	–	–	–
GH/IP: Commodity Fund	–	–	–	–	–	–	–	–	–	–	–
GH/IP: Global Alliance for Vaccine Immunization (GAVI)	–	–	–	–	–	–	–	–	–	–	–
GH/IP: International AIDS Vaccine Initiative (IAVI)	–	–	–	–	–	–	–	–	–	–	–
GH/IP: Iodine Deficiency Disorder (IDD)	–	–	–	–	–	–	–	–	–	–	–
GH/IP: Microbicides	–	–	–	–	–	–	–	–	–	–	–
GH/IP: Neglected Tropical Diseases (NTD)	–	–	–	–	–	–	–	–	–	–	–
GH/IP: Pandemic Influenza and Other Emerging Threats	–	–	–	–	–	–	–	–	–	–	–
GH/IP: TB Drug Facility	–	–	–	–	–	–	–	–	–	–	–
GH/IP: MDR Financing	–	–	–	–	–	–	–	–	–	–	–
INL: International Narcotics and Law Enforcement Affairs	–	–	–	–	–	–	–	–	–	–	–
INL: Alien Smuggling/Border Security	–	–	–	–	–	–	–	–	–	–	–
INL: Anti-Money Laundering Programs	–	–	–	–	–	–	–	–	–	–	–
INL: CFSP, Critical Flight Safety Program	–	–	–	–	–	–	–	–	–	–	–
INL: Civilian Policing	–	–	–	–	–	–	–	–	–	–	–
INL: Criminal Youth Gangs	–	–	–	–	–	–	–	–	–	–	–
INL: Cyber Crime and IPR	–	–	–	–	–	–	–	–	–	–	–
INL: Demand Reduction	12,500	–	–	–	–	–	–	–	12,500	–	–
INL: Fighting Corruption	–	–	–	–	–	–	–	–	–	–	–
INL: ILEA, International Law Enforcement Academy	–	–	–	–	–	–	–	–	–	–	–

APPENDIX E—Continued
FY 2010 Foreign Assistance Acutals, Part II
($ in thousands)

	FMF	PKO	ERMA	IO&P	MRA	FFP	IDA	DF	AID Admin	PCCF	CCF
INL: Inter-regional Aviation Support	–	–	–	–	–	–	–	–	–	–	–
INL: International Organizations	–	–	–	–	–	–	–	–	–	–	–
INL: International Organized Crime	–	–	–	–	–	–	–	–	–	–	–
INL: Program Development and Support	–	–	–	–	–	–	–	–	–	–	–
IO: International Organizations	–	–	–	351,290	–	–	–	–	–	–	–
IO: ICAO International Civil Aviation Organization	–	–	–	950	–	–	–	–	–	–	–
IO: IDLO International Development Law Organization	–	–	–	650	–	–	–	–	–	–	–
IO: IMO International Maritime Organization	–	–	–	400	–	–	–	–	–	–	–
IO: International Chemicals and Toxins Programs	–	–	–	3,800	–	–	–	–	–	–	–
IO: International Conservation Programs	–	–	–	7,500	–	–	–	–	–	–	–
IO: International Panel on Climate Change / U.N. Framework Convention on Climate Change	–	–	–	10,000	–	–	–	–	–	–	–
IO: Montreal Protocol Multilateral Fund	–	–	–	25,500	–	–	–	–	–	–	–
IO: Multilateral Action Initiatives	–	–	–	1,000	–	–	–	–	–	–	–
IO: OAS Development Assistance	–	–	–	4,750	–	–	–	–	–	–	–
IO: OAS Fund for Strengthening Democracy	–	–	–	3,000	–	–	–	–	–	–	–
IO: U.N. OCHA U.N. Office for the Coordination of Humanitarian Affairs	–	–	–	2,940	–	–	–	–	–	–	–
IO: U.N. Voluntary Funds for Technical Cooperation in the Field of Human Rights	–	–	–	1,372	–	–	–	–	–	–	–
IO: U.N. Women (formerly UNIFEM)	–	–	–	6,000	–	–	–	–	–	–	–
IO: UN-HABITAT U.N. Human Settlements Program	–	–	–	2,000	–	–	–	–	–	–	–
IO: UNCDF U.N. Capital Development Fund	–	–	–	625	–	–	–	–	–	–	–
IO: UNDF U.N. Democracy Fund	–	–	–	5,000	–	–	–	–	–	–	–
IO: UNDP U.N. Development Program	–	–	–	84,775	–	–	–	–	–	–	–
IO: UNEP U.N. Environment Program	–	–	–	7,700	–	–	–	–	–	–	–
IO: UNESCO / ICSECA International Contributions for Scientific, Educational, and Cultural Activities	–	–	–	1,850	–	–	–	–	–	–	–
IO: UNFPA U.N. Population Fund	–	–	–	37,000	–	–	–	–	–	–	–
IO: UNHCHR U.N. High Commissioner for Human Rights	–	–	–	3,238	–	–	–	–	–	–	–
IO: UNICEF U.N. Children's Fund	–	–	–	132,250	–	–	–	–	–	–	–

IO: UNVFVT U.N. Voluntary Fund for Victims of Torture	–	–	–	5,700	–	–	–	–	–	–	–
IO: WMO World Meteorological Organization	–	–	–	2,090	–	–	–	–	–	–	–
IO: WTO Technical Assistance	–	–	–	1,200	–	–	–	–	–	–	–
ISN: International Security and Nonproliferation	–	–	–	–	–	–	–	–	–	–	–
State International Security and Nonproliferation (ISN)	–	–	–	–	–	–	–	–	–	–	–
MFS: Multilateral Food Security Programs	–	–	–	–	–	–	–	–	–	–	–
Multilateral Food Security Programs	–	–	–	–	–	–	–	–	–	–	–
Middle East Response Fund	–	–	–	–	–	–	–	–	–	–	–
Middle East Response Fund	–	–	–	–	–	–	–	–	–	–	–
ODP - Office of Development Partners	–	–	–	–	–	–	–	–	–	–	–
ODP - Cooperative Development Program (CDP)	–	–	–	–	–	–	–	–	–	–	–
ODP - Development Grants Program (DGP)	–	–	–	–	–	–	–	–	–	–	–
ODP - Private Sector Alliances (PSA)	–	–	–	–	–	–	–	–	–	–	–
ODP - Volunteers for Prosperity (VfP)	–	–	–	–	–	–	–	–	–	–	–
USAID Office of Development Partners (ODP)	–	–	–	–	–	–	–	–	–	–	–
OES: Oceans and International Environmental and Scientific Affairs	–	–	–	–	–	–	–	–	–	–	–
OES/CC Climate Change	–	–	–	–	–	–	–	–	–	–	–
OES/FTA-E FTA Environment	–	–	–	–	–	–	–	–	–	–	–
OES/M Mercury	–	–	–	–	–	–	–	–	–	–	–
OES/OESP OES Partnerships	–	–	–	–	–	–	–	–	–	–	–
OES/SPFF South Pacific Forum Fisheries	–	–	–	–	–	–	–	–	–	–	–
OES/W Water	–	–	–	–	–	–	–	–	–	–	–
PM: Political-Military Affairs	54,453	118,740	–	–	–	–	–	–	–	–	–
PM: Conventional Weapons Destruction	–	–	–	–	–	–	–	–	–	–	–
PM: FMF Administrative Expenses	54,453	–	–	–	–	–	–	–	–	–	–
PM: IMET Administrative Expenses	–	–	–	–	–	–	–	–	–	–	–
PM: TSCTP, Trans-Sahara Counter-Terrorism Partnership	–	19,940	–	–	–	–	–	–	–	–	–
PM: GPOI	–	98,800	–	–	–	–	–	–	–	–	–
PPL: Policy, Planning and Learning	–	–	–	–	–	–	–	–	–	–	–
PPL: Donor Engagement	–	–	–	–	–	–	–	–	–	–	–
PPL: Learning, Evaluation and Research	–	–	–	–	–	–	–	–	–	–	–
PPL: Science and Technology	–	–	–	–	–	–	–	–	–	–	–
PRM: Population, Refugees, and Migration	–	–	49,900	–	1,694,604	–	–	–	–	–	–
PRM, Administrative Expenses	–	–	–	–	28,000	–	–	–	–	–	–
PRM, Emergency Funds	–	–	49,900	–	–	–	–	–	–	–	–
PRM, Humanitarian Migrants to Israel	–	–	–	–	25,000	–	–	–	–	–	–
PRM, OA: Africa	–	–	–	–	345,822	–	–	–	–	–	–
PRM, OA: East Asia	–	–	–	–	38,300	–	–	–	–	–	–
PRM, OA: Europe	–	–	–	–	49,700	–	–	–	–	–	–

APPENDIX E—Continued
FY 2010 Foreign Assistance Acutals, Part II
($ in thousands)

	FMF	PKO	ERMA	IO&P	MRA	FFP	IDA	DF	AID Admin	PCCF	CCF
PRM, OA: Migration	–	–	–	–	18,200	–	–	–	–	–	–
PRM, OA: Near East	–	–	–	–	533,300	–	–	–	–	–	–
PRM, OA: Protection Priorities	–	–	–	–	136,548	–	–	–	–	–	–
PRM, OA: South Asia	–	–	–	–	105,650	–	–	–	–	–	–
PRM, OA: Western Hemisphere	–	–	–	–	57,084	–	–	–	–	–	–
PRM, Refugee Admissions	–	–	–	–	357,000	–	–	–	–	–	–
Reserve	–	–	–	–	–	–	–	–	–	–	–
Unallocated Earmarks	–	–	–	–	–	–	–	–	–	–	–
S/GAC : Office of the Global AIDS Coordinator	–	–	–	–	–	–	–	–	–	–	–
S/GAC, International Partnerships	–	–	–	–	–	–	–	–	–	–	–
S/GAC, Oversight/Management	–	–	–	–	–	–	–	–	–	–	–
S/GAC, Technical Support//Strategic Information/Evaluation	–	–	–	–	–	–	–	–	–	–	–
Special Representatives	–	–	–	–	–	–	–	–	–	–	–
S/SRMC: Special Representative to Muslim Communities	–	–	–	–	–	–	–	–	–	–	–
USAID Forward: Program Effectiveness Initiatives	–	–	–	–	–	–	–	–	–	–	–
USAID Forward: Program Effectiveness Initiatives	–	–	–	–	–	–	–	–	–	–	–
USAID Management	–	–	–	–	–	–	–	–	1,536,720	–	–
Civilian Stabilization Initiative	–	–	–	–	–	–	–	–	4,990	–	–
USAID Capital Investment Fund	–	–	–	–	–	–	–	–	129,740	–	–
USAID Development Credit Authority Admin	–	–	–	–	–	–	–	–	8,283	–	–
USAID Inspector General Operating Expense	–	–	–	–	–	–	–	–	46,407	–	–
USAID Operating Expense	–	–	–	–	–	–	–	–	1,347,300	–	–
USAID Program Management Initiatives	–	–	–	–	–	–	–	–	–	–	–
USAID Program Management Initiatives	–	–	–	–	–	–	–	–	–	–	–

APPENDIX F.—United Nations General Assembly's Third Committee Country Resolution Votes 2011

	Belarus '06	Belarus '07	Burma '06	Burma '07	Burma '08	DPRK '05	DPRK '06	DPRK '07	DRPK '08	Iran '05	Iran '06	Iran '07	Iran '08	Burma '09	DPRK '09	Iran '09	Burma '10	DPRK '10	Iran '10	Burma '11	DPRK '11	Iran '11
Afghanistan	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	Y	Y	N	Y	Y	N	Y	Y	N
Albania	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Algeria	N	N	N	N	N	A	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Andorra	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y	Y	Y
Angola	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Antigua-Barbuda	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Argentina	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Armenia	N	N	Y	Y	Y			Y		N	N	N	N	Y		N	Y		N	Y	A	N
Australia	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Austria	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Azerbaijan			N		N	Y	A		A	N	N	N	N	N	A	N	N	A	N	N	A	
Bahamas	A	Y	A	Y	Y	A	A	Y	Y	A	A	Y	Y	A	A	A	Y	Y	Y	Y	Y	Y
Bahrain	A	A	A	A	A	A	A	Y	Y	N	N	N	N	A	Y	N	Y	N	A	Y	A	A
Bangladesh	N	N	N	N	N	A	A	Y	Y	N	N	N	N	N	A	N	N	A		N	A	N
Barbados	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Belarus	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Belgium	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Belize	A	A	A	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Benin	A		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Y	A	A	Y
Bhutan	A	Y	A	A	A	Y	Y	Y	Y	A	A	A	A	A	Y	A	A	Y	A	A	Y	A
Bolivia	Y	A	Y	Y	A	Y	Y	A	A	Y	A	A	A	A	A	A	A	A	N	A	A	N
Bosnia/Herzeg	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Botswana	A	A	A	A	Y	A	A	A	Y	A	A	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Brazil	A	A	Y	Y	Y	Y	Y	Y	A	A	A	A	A	A	A	A	A	Y	A	A	Y	A
Brunei Dar-Salam	A	A	N	A	N	A	A	A	A	N	N	A	A	N	A	A	N	A	N	N	A	N
Bulgaria	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Burkina Faso	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Burundi	A	Y	Y	Y	Y	A	A	Y	Y	A	Y	Y	A	Y	Y	A	Y	Y	A	Y		Y
Cambodia		A	N				A	Y	A		A			A	A	A	N	A	A	N	A	A
Cameroon	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Canada	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Cape Verde	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A	A	Y	Y	Y	Y
Central Afr Rep			A		A		A		A	A			A	A	A	A	A	Y	A	Y	Y	Y

APPENDIX F.—United Nations General Assembly's Third Committee Country Resolution Votes 2011—Continued

	Belarus '06	Belarus '07	Burma '06	Burma '07	Burma '08	DPRK '05	DPRK '06	DPRK '07	DRPK '08	Iran '05	Iran '06	Iran '07	Iran '08	Burma '09	DPRK '09	Iran '09	Burma '10	DPRK '10	Iran '10	Burma '11	DPRK '11	Iran '11
Chad				A	A			A	A			A	A									
Chile	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y
China	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Colombia	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Y	Y
Comoros		A		A	A		Y	Y	Y		N	N	N	A	A	N	A	A	N	A	A	N
Congo	A	A	N	A	A		A	A	A		A	A	A	A	A	A	A	A	A	A	A	A
Costa Rica	A	Y	A	Y	Y	Y	A	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Cote D'ivoire	A	A		A	A	N	A	A	A	A	A	A	A	A	A	A	A	A	A	Y	A	A
Croatia	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Cuba	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Cyprus	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Czech Rep.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Dem Rep of Korea	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Dem Rep of Congo	N	A	N	A		A	A	A		A	N	N	A	A	A	A	A		A	Y		
Denmark	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Djibouti	A	A	A	A		A	A	A		N	N	N					A	Y	A	A	Y	A
Dominica		A		A	A				A	A				A								
Dominican Rep	Y	A	Y	A	Y	Y	Y	A	A	Y	Y	A	A	Y	Y	Y	A	A	Y	A	A	Y
Ecuador	A	A	Y	A	A	Y	Y	Y	A	Y	Y	A	A	A	A	N	A	A	A	A	A	N
Egypt	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	A
El Salvador	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Equat Guinea		A		A	A	A		A	A	Y		A	A	Y	Y	Y						
Eritrea	A	A	A	A	A	A	A	Y	Y	A	A	A	N	A	Y	N	A	Y	Y			
Estonia	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Ethiopia	N	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Fiji	Y	A	A	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	A	A	A	A
Finland	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
France	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Gabon																	A	A	A	Y	Y	A
Gambia		N			A	N			A	N		N	N	A	A	A	A	A	Y	A	A	
Georgia	Y	Y		Y	Y	Y	Y	Y	Y		A	A	A	Y	Y	A	Y			Y	Y	
Germany	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Ghana	A	A	A	Y	A	A	Y	Y	Y	A	A	A	A		Y	A	Y	Y	A	Y	Y	A

Greece	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Grenada					A				A				A	A	A	A	A	A	A	A	A	A
Guatemala	Y	A	Y	Y	A	Y	Y	A	A	Y	Y	A	A	A	A	A	A	Y	A	A	A	A
Guinea	A	A	N	A	A	N			N	N	N	N	N	A	A	N	A	A	N			
Guinea-Bissau	A		A		A	A	Y		A	A			N	A	Y	N	A	A	A	Y	Y	A
Guyana	A	A	A	Y	Y	A	A	A	A	A	A	A	A	Y	A	A	Y	A	A	A	A	A
Haiti	A	A	A	A	A	Y	A	A	A	Y	A	A	A	A	A	A	A	A	A	Y	Y	Y
Honduras	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Hungary	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Iceland	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
India	N	N	N	N	N	A	A	A	A	N	N	N	N	N	A	N	N	A	A	N	A	N
Indonesia	N	N	N	A	A	N	N	N	N	N	N	N	N	A	N	N	A	A	N	A	A	A
Iran (Islamic Rep)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y
Iraq					Y	Y	Y	Y	Y	A				Y	Y		Y	Y		Y	Y	
Ireland	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y
Israel	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Italy	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Jamaica	A	A	A	A	A	A	A	A	A	A	A	A	A	Y	Y	A	Y	Y	A	Y	Y	A
Japan	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Jordan	A	A	A	A	A	A	A	Y	A		A		A	A	A	A	A	Y	A	A	Y	A
Kazakhstan	N	N	A	Y	Y	Y	Y	Y	Y	N	N	N	N	Y	Y	N	Y	Y	N	Y	Y	N
Kenya	A	A	A	Y	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Kiribati					Y				Y	Y	Y		Y	Y	Y	Y	Y					
Kuwait	A	A	A	A	A	A	A	A	A	N	N	N	N	A	A	N	A	A	N	A	A	A
Kyrgyzstan	N	N	A	A	A	A	A	A	A	N	N	N	N	A	A	N		A	N	A	Y	A
Lao Rep	A	A	N	N	N	N	N	N	N	A	A	A	A		N	A	N	A	A	N	A	A
Latvia	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Lebanon	N	N	Y	Y	Y		Y	Y	Y	N	N	N	N	Y	Y	N	Y	Y	N	Y	Y	N
Lesotho	A	A	A	A	A	A	A	Y	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Liberia		Y		Y	A		A	Y	Y			Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Libyan AJ	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y
Liechtenstein	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Lithuania	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Luxembourg	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Madagascar	A		A				A	A	Y		A			A	Y	Y	A	Y		A	Y	
Malawi	A	A	A	A	A		Y	Y	Y		A	A	N	Y	Y	A			A	A	Y	Y
Malaysia	N	N	N	N	N	N	A	N	N	N	N	N	N	N	N	N	N	N	N	A	A	A
Maldives					Y	Y	Y	Y	Y	N	N			Y	Y		Y	Y	Y	Y	Y	Y
Mali	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Malta	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

APPENDIX F.—United Nations General Assembly's Third Committee Country Resolution Votes 2011—Continued

	Belarus '06	Belarus '07	Burma '06	Burma '07	Burma '08	DPRK '05	DPRK '06	DPRK '07	DRPK '08	Iran '05	Iran '06	Iran '07	Iran '08	Burma '09	DPRK '09	Iran '09	Burma '10	DPRK '10	Iran '10	Burma '11	DPRK '11	Iran '11
Marshall Islands	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Mauritania	A	A	A	Y	A		A	Y	A	N	N		N	A	A	N			N	A	A	A
Maurtius	A	A	Y	Y	Y	A	A	A	A	A	A	A	A	Y	A	A	Y	A	A	Y	Y	A
Mexico	A	A	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Micronesia (FS)	Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Moldova	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Monaco	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		A	Y	Y	Y	Y	Y	Y
Mongolia	A	A	Y	Y	Y					A	A	A	A	Y	Y	Y	Y		A	Y		A
Montenegro	Y	Y	Y	Y	Y		Y	Y	Y		Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	Y
Morocco	N	A	Y		Y	A	Y	Y	Y	N	N	N		A	A	A	Y	Y	A	A	Y	A
Mozambique	A	A	A	A	A	A	A	A	A	A	A	A	A	N	N	N	A	A	A	A	A	A
Myanmar	N	N	N	N	N	N	N	N	N	N	N	N	N		A	A	N	N	N	N	N	N
Namibia	A	A	A	A	N	A	N	A	N	A	A	A	A	Y	Y	Y	A	A	A	A	A	A
Nauru		A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	A	A	Y	Y	Y	A	Y	Y
Nepal	A	A	A	A	A	A	A	A	A	A	A	A	A	Y	Y	Y	A	A	A	A	A	A
Netherlands	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
New Zealand	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	A	N	Y	Y	Y	Y	Y	Y
Nicaragua	Y	N	Y	A	N	Y	Y	Y	N	Y	Y	N	N	A	A	N	N	A	N	N	A	N
Niger	A	A	A	A	N	A	A	A	A	N	N	N	N	Y	A	N	A	A	N	A	A	N
Nigeria	A	A	A	A	Y	A	A	A	A	A	A	A	A	Y	Y	Y	Y	A	A	A		A
Norway	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y
Oman		N		N	N			N	N	N	N	N	N	A	A	N	N	N	N	N	N	N
Pakistan	N	N	N	N	A	A	A	N	A	N	N	N	N	Y	Y	Y	A	A	N	A	A	N
Palau	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Panama	A	A	Y	Y	Y	Y	Y	Y	Y	A	A	Y	Y	A	Y	Y	Y	Y	Y	Y	Y	Y
Papua New Guinea	A	A	A	A	A	Y	Y	Y	Y	Y	A	A	A	Y	Y	A	Y	Y	Y	A	Y	Y
Paraguay	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	A	Y	Y	A
Peru	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	A	A	Y	Y	Y	Y	Y	Y
Philippines	A	A	A	A	A	A	Y	Y	A	A	A	A	A	Y	Y	Y	A	A	A	A	Y	A
Poland	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Portugal	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	A	N	Y	Y	Y	Y	Y	Y
Qatar	N	N	A	A	A	A	A	A	A	N	N	N	N	Y	Y	A	A	A	N	A	A	N
Rep of Korea	Y	Y	Y	Y	Y	A	Y	A	Y	A	A	A	A	Y	Y	Y	Y	Y	A	Y	Y	Y

Romania	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Russian Fed.	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Rwanda	A		A	A	A	A		A	A	A	A	A	A	A	A	A	A	A	Y	A	A	Y
St Kitts-Nevis		A		A	A	A		A	A			Y	A	A	A	A	A	A	A	A	A	A
Saint Lucia		A		A	Y	A		A	Y	N		A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
St Vincent-Green		A		A	A	Y		A	A	Y		A	A	A	A	A	A	A	A	A	A	A
Samoa	A	A	A	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
San Marino	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Sao Tome Principe					A								A				Y	Y	Y	Y	Y	Y
Saudi Arabia	A	A	A	A	A	Y	Y	Y	Y	N	N	N	N	A	Y	Y	A	A	A	A	Y	A
Senegal	A	A	A	A	A	A	A	A	A	N	N	N	N	A	A	N	A	A	N	N	A	Y
Serbia	Y	Y	Y	Y		Y	Y	Y		Y	Y	Y	N							Y	Y	A
Seychelles														A	A		Y	Y	Y	Y		Y
Sierra Leone	A	A	A	A		A	A	A		A	A	A		A	Y	A	Y	Y	Y			
Singapore	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Slovakia	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Slovenia	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Solomon Islands	A	A	A	A	A	A	Y	A	A	Y	Y	A	A	A	A	A	Y	Y	Y	Y	Y	Y
Somalia				N	N			N	N	N		N	N	A	N	N	N	*	N			
South Africa	N	N	A	A	A	A	A	A	A	N	N	N	N	Y	A	A	Y	A	A	A	A	A
South Sudan																				A	A	A
Spain	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Sri Lanka	A	A	A	A	N	A	A	A	A	N	N	N	N	N	A	N	N	A	N	N	A	N
Sudan	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Suriname	A	A	A	Y	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Swaziland	A	A	A	A	A	N	A	A	A	N	A	A	A	A	A	A	A	A	A	A	A	A
Sweden	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Switzerland	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Syrian AR	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Tajikistan	N	N		A		N	N	N		N	N	N	N	A	A	N	A	A	N	A	A	N
Thailand	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
The FYR Macedonia	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Timor-Leste	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	A	Y	Y	A	Y	Y	Y	Y	Y
Togo	A	A	A	A	Y	A	N	A	Y	N	N	N	N	Y	Y	A	Y	Y	A	Y	Y	A
Tonga	Y	Y	Y		Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Trinidad-Tobago	A	A	A	A	A	A		A	A	A		A	A	A	A	A	A	A	A	A	A	A
Tunisia						A				N	N	N	N			N			N	Y	Y	Y
Turkey	Y	Y	Y	Y	Y	Y	Y	Y	Y					Y	Y	Y	Y	Y		Y	Y	
Turkmenistan	A	N	A	A	A	N	A	A	A	N	A	N	N	A	A	N			N	A	A	N
Tuvalu	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	Y	*	Y	Y	Y	A

APPENDIX F.—United Nations General Assembly's Third Committee Country Resolution Votes 2011—Continued

	Belarus '06	Belarus '07	Burma '06	Burma '07	Burma '08	DPRK '05	DPRK '06	DPRK '07	DRPK '08	Iran '05	Iran '06	Iran '07	Iran '08	Burma '09	DPRK '09	Iran '09	Burma '10	DPRK '10	Iran '10	Burma '11	DPRK '11	Iran '11
Uganda	A	N	A	N	A	A	A	N	A	A	A	N	A	A	A	A	A	A	A	A	A	A
Ukraine	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
U A Emirates	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	N	A	Y	N	A	Y	A
United Kingdom	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
U R Tanzania	A	A	A	Y	A	A	A	Y	Y	A	A	A	A	Y	Y	A	Y	Y	A	Y	Y	Y
United States	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Uruguay	Y	Y	Y	Y	Y	Y	Y	Y	Y		A	A	A	Y	Y	A	Y	Y	A	Y	Y	A
Uzbekistan	N	N	N	N	N	N	N	N	N	N	N	N	N	N		N	N	N	N	N	N	N
Vanuatu		Y		Y	Y	A		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Venezuela	N	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Vietnam	N	N	N	N	N	N	N	S	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Yemen	A	N	A	A	A	A	A	Y	A	N	N	N	N	A	A	N	A	Y		A	A	A
Zambia	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Zimbabwe	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Final Vote.																						
Yes	70	68	79	88	89	84	91	97	95	77	70	72	70	92	97	74	96	100	80	98	112	86
No	31	32	28	54	29	22	21	23	24	51	48	50	51	26	19	48	28	18	44	25	16	32
Abstain	67	76	63	66	63	62	60	60	62	46	55	55	60	65	65	59	60	60	57	63	55	59

* = vote was yes.
DPRK '12 and BURMA '12 = AWV

APPENDIX G

Universal Declaration of Human Rights

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore, The General Assembly, proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of an kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and the security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty without any limitation due to race, of any penal offence on account of nationality or religion, have the any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each state.

2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor be denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the Government of his country, directly or through freely chosen representatives.

2. Everyone has the right of equal access to public service in his country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

1. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration insuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights

and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Hundred and eighty-third plenary meeting
Resolution 217(A)(III) of the United Nations General Assembly, December 10, 1948

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